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# ACTS AND LAWS OF THE STATE OF CONNECTICUT, IN AMERICA.

[Laws I.]




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M,DCC,LXXXIV.

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# The CHARTER granted by His Majesty King *CHARLES* the Second, &c.

*CHARLES the Second*, by the Grace of GOD, KING of *England, Scotland, France*, and *Ireland*, Defender of the Faith, &c. To all to whom these Presents shall come, GREETING.

*Whereas by the several Navigations, Discoveries, and Successful Plantations of divers of Our loving Subjects of this Our Realm of* England, *several Lands, Islands, Places, Colonies, and Plantations have been obtained and settled in that Part of the Continent of* America *called* New-England, *and thereby the Trade and Commerce there, hath been of late Years much increased: And whereas We have been informed by the humble Petition of Our Trusty and Well-beloved* John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming, *and* Matthew Camfield, *being Persons principally interested in Our Colony or Plantation of* Connecticut, *in* New-England, *that the same Colony, or the greatest part thereof was Purchased and Obtained for great and valuable Considerations, and some other Part thereof gained by Conquest, and with much difficulty, and at the only Endeavours, Expence, and Charges of them and their Associates, and those under whom they Claim, Subdued, and Improved, and thereby become a considerable Enlargement and Addition of Our Dominions and Interest there.* NOW KNOW YE; That in Consideration thereof, and in Regard the said Colony is remote from other the *English* Plantations in the Places aforesaid, and to the End the Affairs and Business which shall from Time to Time happen or arise concerning the same, may be duly Ordered and Managed, we have thought fit, and at the humble Petition of the Persons aforesaid, and are graciously Pleased to create and make them a Body Politick and Corporate, with the Powers and Privileges herein after mentioned; and accordingly Our Will and Pleasure is, and of our especial Grace, certain Knowlege, and meer Motion, We have ordained, constituted and declared, and by these Presents, for Us, Our Heirs and Successors, Do ordain, constitute and declare, that they the said *John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming*, and *Matthew Camfield*, and all such others as now are, or hereafter shall be admitted, and made Free of the Company and Society of Our Colony of *Connecticut*, in *America*, shall from Time to Time, and for ever hereafter, be One Body Corporate and Politick, in Fact and Name, by the Name of, *Governor and Company of the* English *Colony of* Connecticut *in* New-England, *in* America; and that by the same Name they and their Successors shall and may have perpetual Succession, and shall and may be Persons able and capable in the Law, to plead and be impleaded, to answer and to be answered unto, to defend and be defended in all and singular Suits, Causes, Quarrels, Matters, Actions, and Things, of what Kind or Nature soever; and also to have, take, possess, acquire, and purchase Lands, Tenements, or Hereditaments, or any Goods, or Chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other Our liege People of this Our Realm of *England*, or any other Corporation or Body Politick within the same may lawfully do. And further, That the said Governor and Company, and their Successors, shall and may for ever hereafter have a Common Seal, to serve and use for all Causes, Matters, Things, and Affairs whatsoever, of them and their Successors, and the same Seal to alter, change, break, and make new from Time to Time, at their Wills and Pleasures, as they shall think fit. And further, We will and ordain, and by these Presents, for Us, our Heirs and Successors, do declare and appoint, that for the better ordering and managing of the Affairs and Business of the said Company,

The corporation constituted.

The names of the patentees.

The name of the corporation.

Their ability to plead and defend, &c.

To purchase lands, &c.

To have a common seal, and to alter & change it.

and

A Governor, Deputy-Governor, and 12 Assistants to be elected from time to time.

and their Successors, there shall be One Governor, One Deputy-Governor, and Twelve Assistants, to be from Time to Time constituted, elected and chosen out of the Freemen of the said Company for the Time being, in such Manner and Form as hereafter in these Presents is expressed, which said Officers shall apply themselves to take Care for the best disposing and ordering of the general Business and Affairs of and concerning the Land and Hereditaments herein after mentioned to be granted, and the Plantation thereof, and the Government of the People thereof: And for the better Execution of Our Royal Pleasure herein, We do for Us, Our Heirs, and Successors, assign, name, constitute and appoint the aforesaid *John Winthrop* to be the first and present Governor of the said Company, and the said *John Mason* to be the Deputy-Governor, and the said *Samuel Wyllys*, *Matthew Allyn*, *Nathan Gold*, *Henry Clarke*, *Richard Treat*, *John Ogden*, *John Tapping*, *John Talcott*, *Thomas Wells*, *Henry Wolcott*, *Richard Lord*, and *Daniel Clarke*, to be the Twelve present Assistants of the said Company, to continue in the said several Offices respectively, until the second Thursday which shall be in the Month of *October* now next coming. And further, We Will, and by these Presents for Us, Our Heirs, and Successors, Do ordain and grant, That the Governor of the said Company for the Time being, or in his Absence by occasion of Sickness, or otherwise by his Leave or Permission, the Deputy-Governor for the Time being, shall and may from Time to Time upon all Occasions, give Order for the assembling of the said Company, and calling them together to consult and advise of the Business and Affairs of the said Company, and that for ever hereafter, twice in every Year, *That is to say*, On every Second Thursday in *October*, and on every Second Thursday in *May*, or oftner in case it shall be requisite; the Assistants, and Freemen of the said Company, or such of them (not exceeding Two Persons from each Place, Town, or City) who shall be from Time to Time thereunto elected or deputed by the major Part of the Freemen of the respective Towns, Cities, and Places for which they shall be elected or deputed, shall have a General Meeting, or Assembly, then and there to consult and advise in and about the Affairs and Business of the said Company: and that the Governor, or in his Absence the Deputy-Governor of the said Company for the Time being, and such of the Assistants and Freemen of the said Company as shall be so elected or deputed, and be present at such Meeting or Assembly, or the greatest Number of them, whereof the Governor or Deputy-Governor, and Six of the Assistants at least, to be Seven, shall be called the General Assembly, and shall have full Power and Authority to alter and change their Days and Times of Meeting, or General Assemblies, for electing the Governor, Deputy-Governor, and Assistants, or other Officers, or any other Courts, Assemblies or Meetings, and to choose, nominate and appoint such and so many other Persons as they shall think fit, and shall be willing to accept the same, to be Free of the said Company, and Body Politick, and them into the same to admit; And to elect and constitute such Officers as they shall think fit and requisite for the ordering, managing and disposing of the Affairs of the said Governor and Company, and their Successors: And We do hereby for Us, Our Heirs and Successors, establish and ordain, That once in the Year for ever hereafter, Namely, the said Second Thursday in *May*, the Governor, Deputy-Governor, and Assistants of the said Company, and other Officers of the said Company, or such of them as the said General Assembly shall think fit, shall be in the said General Court and Assembly to be held from that Day or Time, newly chosen for the Year ensuing, by such greater Part of the said Company for the Time being, then and there present; and if the Governor, Deputy-Governor, and Assistants by these Presents appointed, or such as hereafter be newly chosen into their Rooms, or any of them, or any other the Officers to be appointed for the said Company shall die, or be removed from his or their several Offices or Places before the said general Day of Election, whom We do hereby declare for any Misdemeanor or Default, to be removable by the Governor, Assistants, and Company, or such greater Part of them in any of the said public Courts to be assembled, as is aforesaid, that then,

First Governor, Deputy-Governor & Assistants appointed.

Governor & Deputy-Governor's power to call a Gen. Assembly.

Two General Assemblies in a year, viz. in May and October.

Power to alter their days of meeting.

To appoint freemen, and constitute officers.

Power to chuse new officers in case of the death or removal of others.

then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Governor, Deputy-Governor, and Aſſiſtants, and Company aforeſaid, or ſuch greater Part of them ſo to be aſſembled, as is aforeſaid, in any of their Aſſemblies, to proceed to a new Election of one or more of their Company, in the Room or Place, Rooms or Places of ſuch Governor, Deputy-Governor, Aſſiſtant, or other Officer or Officers ſo dying or removed, according to their Diſcretions, and immediately upon and after ſuch Election or Elections made of ſuch Governor, Deputy-Governor, Aſſiſtant or Aſſiſtants, or any other Officer of the ſaid Company, in Manner and Form aforeſaid, the Authority, Office and Power before given to the former Governor, Deputy-Governor, or other Officer and Officers ſo removed, in whoſe Stead and Place new ſhall be choſen, ſhall as to him and them, and every of them reſpectively, ceaſe and determine. *Provided alſo*, And Our Will and Pleaſure is, That as well ſuch as are by theſe Preſents appointed to be the preſent Governor, Deputy-Governor, and Aſſiſtants of the ſaid Company, as thoſe that ſhall ſucceed them, and all other Officers to be appointed and choſen, as aforeſaid, ſhall before they undertake the Execution of their ſaid Offices and Places reſpectively, take their ſeveral and reſpective corporal Oaths for the due and faithful Performance of their Duties, in their ſeveral Offices and Places, before ſuch Peſon or Perſons as are by theſe Preſents hereafter appointed to take and receive the ſame; *That is to ſay*, The ſaid *John Winthrop*, who is herein before nominated and appointed the preſent Governor of the ſaid Company, ſhall take the ſaid Oath before One or more of the Maſters of Our Court of Chancery for the Time being, unto which Maſter of Chancery, We do by theſe Preſents give full Power and Authority to adminiſter the ſaid Oath to the ſaid *John Winthrop* accordingly: And the ſaid *John Maſon*, who is herein before nominated and appointed the preſent Deputy-Governor of the ſaid Company, ſhall take the ſaid Oath before the ſaid *John Winthrop*, or any Two of the Aſſiſtants of the ſaid Company, unto whom We do by theſe Preſents give full Power and Authority to adminiſter the ſaid Oath to the ſaid *John Maſon* accordingly: And the ſaid *Samuel Wyllys*, *Henry Clarke*, *Matthew Allyn*, *John Tapping*, *Nathan Gold*, *Richard Treat*, *Richard Lord*, *Henry Wolcott*, *John Talcott*, *Daniel Clarke*, *John Ogden*, and *Thomas Wells*, who are herein before nominated and appointed the preſent Aſſiſtants of the ſaid Company, ſhall take the Oath before the ſaid *John Winthrop*, and *John Maſon*, or One of them, to whom We do hereby give full Power and Authority to adminiſter the ſame accordingly. And Our further Will and Pleaſure is, that all and every Governor, or Deputy-Governor to be elected and choſen by Virtue of theſe Preſents, ſhall take the ſaid Oath before Two or more of the Aſſiſtants of the ſaid Company for the Time being, unto whom We do by theſe Preſents give full Power and Authority to give and adminiſter the ſaid Oath accordingly; and the ſaid Aſſiſtants, and every of them, and all and every other Officer or Officers to be hereafter choſen from Time to Time, to take the ſaid Oath before the Governor, or Deputy-Governor for the Time being, unto which Governor, or Deputy-Governor We do by theſe Preſents give full Power and Authority to adminiſter the ſame accordingly. And further, Of Our more ample Grace, certain Knowledge, and meer Motion, We have given and granted, and by theſe Preſents for Us, Our Heirs and Succeſſors, do give and grant unto the ſaid Governor and Company of the *Engliſh* Colony of *Connecticut*, in *New-England*, in *America*, and to every Inhabitant there, and to every Perſon and Perſons trading thither, and to every ſuch Perſon and Perſons as are or ſhall be Free of the ſaid Colony, full Power and Authority from Time to Time, and at all Times hereafter, to take Ship, Tranſport and carry away for and towards the Plantation and Defence of the ſaid Colony, ſuch of Our loving Subjects and Strangers, as ſhall or will willingly accompany them in, and to their ſaid Colony and Plantation, except ſuch Perſon and Perſons as are or ſhall be therein reſtrained by Us, Our Heirs and Succeſſors; and alſo to ſhip and tranſport all, and all Manner of Goods, Chattels, Merchandizes, and other Things whatſoever that are or ſhall be uſeful or neceſſary for the Inhabitants of the ſaid Colony, and may lawfully be

Former officers power to ceaſe, upon the choice of new ones.

Governor, D. Governor, & Aſſiſtants to be ſworn to a faithful performance of their duty & office.

Power to tranſport inhabitants into the Colony, & goods, merchandizes, &c.

be tranſported thither; *Nevertheleſs*, not to be diſcharged of Payment to Us, our Heirs and Succeſſors, of the Duties, Cuſtoms and Subſidies which are or ought to be paid or payable for the ſame. And further, Our Will and Pleaſure is, and We do for Us, Our Heirs and Succeſſors, ordain, declare, and grant unto the ſaid Governor and Company, and their Succeſſors; That all, and every the Subjects of Us, Our Heirs, or Succeſſors, which ſhall go to inhabit within the ſaid Colony, and every of their Children which ſhall happen to be born there, or on the Seas in going thither, or returning from thence, ſhall have and enjoy all Liberties and Immunities of free and natural Subjects within any the Dominions of Us, Our Heirs or Succeſſors, to all Intents, Conſtructions and Purpoſes whatſoever, as if they and every of them were born within the Realm of *England*; And We do authoriſe and impower the Governor, or in his Abſence the Deputy-Governor for the Time being, to appoint Two or more of the ſaid Aſſiſtants at any of their Courts or Aſſemblies to be held as aforeſaid, to have Power and Authority to adminiſter the Oath of Supremacy and Obedience to all and every Perſon and Perſons which ſhall at any Time or Times hereafter go or paſs into the ſaid Colony of *Connecticut*, unto which ſaid Aſſiſtants ſo to be appointed as aforeſaid, We do by theſe Preſents give full Power and Authority to adminiſter the ſaid Oath accordingly. And We do further of Our eſpecial Grace, certain Knowledge, and mere Motion, give, and grant unto the ſaid Governor and Company of the Engliſh Colony of *Connecticut*, in *New-England*, in *America*, and their Succeſſors, That it ſhall and may be lawful to and for the Governor, or Deputy-Governor, and ſuch of the Aſſiſtants of the ſaid Company for the Time being as ſhall be Aſſembled in any of the General Courts aforeſaid, or in any Courts to be eſpecially ſummoned or aſſembled for that Purpoſe, or the greater part of them, whereof the Governor, or Deputy-Governor, and Six of the Aſſiſtants to be always Seven, to erect and make ſuch Judicatories, for the hearing, and determining of all Actions, Cauſes, Matters, and Things happening within the ſaid Colony, or Plantation, and which ſhall be in Diſpute, and Depending there, as they ſhall think Fit, and Convenient, and alſo from Time to Time to Make, Ordain, and Eſtabliſh all manner of wholeſome, and reaſonable Laws, Statutes, Ordinances, Directions, and Inſtructions, not Contrary to the Laws of this Realm of *England*, as well for ſettling the Forms, and Ceremonies of Government, and Magiſtracy, fit and neceſſary for the ſaid Plantation, and the Inhabitants there, as for Naming, and Stiling all Sorts of Officers, both Superior and Inferior, which they ſhall find Needful for the Government, and Plantation of the ſaid Colony, and the diſtinguiſhing and ſetting forth of the ſeveral Duties, Powers, and Limits of every ſuch Office and Place, and the Forms of ſuch Oaths not being contrary to the Laws and Statutes of this Our Realm of *England*, to be adminiſtred for the Execution of the ſaid ſeveral Offices and Places as alſo for the diſpoſing and ordering of the Election of ſuch of the ſaid Officers as are to be annually choſen, and of ſuch others as ſhall ſucceed in caſe of Death or Removal, and adminiſtring the ſaid Oath to the new-elected Officers, and granting neceſſary Commiſſions, and for Impoſition of lawful Fines, Mulcts, Impriſonment or other Puniſhment upon Offenders and Delinquents according to the Courſe of other Corporations within this our Kingdom of *England*, and the ſame Laws, Fines, Mulcts and Executions, to alter, change, revoke, annul, releaſe, or pardon under their Common Seal, as by the ſaid General Aſſembly, or the major Part of them ſhall be thought fit, and for the directing, ruling and diſpoſing of all other Matters and Things, whereby Our ſaid People Inhabitants there, may be ſo religiouſly, peaceably and civilly governed, as their good Life and orderly Converſation may win and invite the Natives of the Country to the Knowlege and Obedience of the only true GOD, and the Saviour of Mankind, and the Chriſtian Faith, which in Our Royal Intentions, and the Adventurers free Poſſeſſion, is the only and principal End of this Plantation; willing, commanding and requiring, and by theſe Preſents for Us, Our Heirs and Succeſſors, ordaining and appointing, that all ſuch Laws, Statutes and Ordinances, Inſtructions, Impoſitions and Directions as ſhall be ſo made by the

The king's ſubjects in this colony to enjoy all the privileges of free and natural ſubjects.

Power to adminiſter the oath of ſupremacy and obedience.

To erect judicatories.

To ordain & eſtabliſh laws for ſettling the forms of government, &c.

To impoſe fines, mulcts, &c.

Laws to be publiſhed.

Governor, Deputy-Governor, and Aſſiſtants as aforeſaid, and publiſhed in Writing under their Common Seal, ſhall carefully and duly be obſerved, kept, performed, and put in Execution, according to the true Intent and Meaning of the ſame, and theſe Our Letters Patents, or the Duplicate, or Exemplification thereof, ſhall be to all and every ſuch Officers, Superiors and Inferiors from Time to Time, for the putting of the ſame Orders, Laws, Statutes, Ordinances, Inſtructions, and Directions in due Execution, againſt Us, Our Heirs and Succeſſors, a ſufficient Warrant and Diſcharge. And We do further for Us, Our Heirs and Succeſſors, give and grant unto the ſaid Governor and Company, and their Succeſſors, by theſe Preſents, That it ſhall and may be lawful to, and for the Chief Commanders, Governors and Officers of the ſaid Company for the Time being, who ſhall be reſident in the Parts of *New-England* hereafter mentioned, and others inhabiting there, by their Leave, Admittance, Appointment, or Direction, from Time to Time, and at all Times hereafter, for their ſpecial Defence and Safety, to Aſſemble, Martial-Array, and put in warlike Poſture the Inhabitants of the ſaid Colony, and to Commiſſionate, Impower, and Authorize ſuch Perſon or Perſons as they ſhall think fit, to lead and conduct the ſaid Inhabitants, and to encounter, expulſe, repel and reſiſt by Force of Arms, as well by Sea as by Land, and alſo to kill, ſlay, and deſtroy by all fitting Ways, Enterprizes, and Means whatſoever, all and every ſuch Perſon or Perſons as ſhall at any Time hereafter attempt or enterprize the Deſtruction, Invaſion, Detriment, or Annoyance of the ſaid Inhabitants or Plantation, and to uſe and exerciſe the Law Martial in ſuch Caſes only as Occaſion ſhall require; and to take or ſurprize by all Ways and Means whatſoever, all and every ſuch Perſon and Perſons, with their Ships, Armour, Ammunition and other Goods of ſuch as ſhall in ſuch hoſtile Manner invade or attempt the defeating of the ſaid Plantation, or the hurt of the ſaid Company and Inhabitants, and upon juſt Cauſes to invade and deſtroy the Natives, or other Enemies of the ſaid Colony. *Nevertheleſs*, Our Will and Pleaſure is, and We do hereby declare unto all Chriſtian Kings, Princes, and States, that if any Perſons which ſhall hereafter be of the ſaid Company or Plantation, or any other by Appointment of the ſaid Governor and Company for the Time being, ſhall at any Time or Times hereafter rob or ſpoil by Sea or by Land, and do any Hurt, Violence, or unlawful Hoſtility to any of the Subjects of Us, Our Heirs or Succeſſors, or any of the Subjects of any Prince or State being then in League with Us, Our Heirs or Succeſſors, upon Complaint of ſuch Injury done to any ſuch Prince or State, or their Subjects, We, Our Heirs and Succeſſors will make open Proclamation within any Parts of Our Realm of *England* fit for that Purpoſe, that the Perſon or Perſons committing any ſuch Robbery or Spoil, ſhall within the Time limited by ſuch Proclamation, make full Reſtitution or Satisfaction of all ſuch Injuries done or committed, ſo as the ſaid Prince, or others ſo complaining may be fully ſatisfied and contented; and if the ſaid Perſon or Perſons who ſhall commit any ſuch Robbery or Spoil ſhall not make Satisfaction accordingly, within ſuch Time ſo to be limited, that then it ſhall and may be lawful for Us, Our Heirs and Succeſſors, to put ſuch Perſon or Perſons out of Our Allegiance and Protection; and that it ſhall and may be lawful and free for all Princes or others to proſecute with Hoſtility ſuch Offenders, and every of them, their, and every of their Procurors, Aiders, Abettors and Counſellors in that Behalf. *Provided alſo*, and Our expreſs Will and Pleaſure is, and We do by theſe Preſents for Us, Our Heirs, and Succeſſors, Ordain and Appoint, that theſe Preſents ſhall not in any Manner hinder any of Our loving Subjects whatſoever to uſe and exerciſe the Trade of Fiſhing upon the Coaſt of *New-England*, in *America*, but they and every or any of them ſhall have full and free Power and Liberty, to continue, and uſe the ſaid Trade of Fiſhing upon the ſaid Coaſt, in any of the Seas thereunto adjoining, or any Arms of the Seas, or Salt Water Rivers where they have been accuſtomed to fiſh, and to build and ſet up on the waſte Land belonging to the ſaid Colony of *Connecticut*, ſuch Wharves, Stages, and Work-Houſes as ſhall be neceſſary for the ſalting drying,

Laws to be put in Execution.

Power to aſſemble & put in warlike poſture the Inhabitants.

To uſe the Law Martial.

His Majeſty's Declaration to all Princes and States, againſt ſuch as ſhall rob or ſpoil by Sea or Land.

Liberty reſerved for all his Majeſty's ſubjects to fiſh upon the coaſt

To build Wharves, &c. upon waſte Lands.

drying, and keeping of their Fiſh to be taken, or gotten upon that Coaſt, any Thing in theſe Preſents contained to the contrary notwithſtanding. And Know Ye further, That We, of Our abundant Grace, certain Knowledge, and mere Motion, have given, granted, and confirmed, and by theſe Preſents for Us, our Heirs and Succeſſors, do give, grant and confirm unto the ſaid Governor and Company, and their Succeſſors, all that Part of Our Dominions in *New-England* in *America*, bounded on the *Eaſt* by *Narraganſet-River*, commonly called *Narraganſet-Bay*, where the ſaid River falleth into the Sea; and on the *North* by the Line of the *Maſſachuſetts-Plantation*; and on the *South* by the Sea; and in Longitude as the Line of the *Maſſachuſetts-Colony*, running from *Eaſt* to *Weſt*, *That is to ſay*, From the ſaid *Narraganſet-Bay* on the *Eaſt*, to the *South* Sea on the *Weſt* Part, with the *Iſlands* thereunto adjoining, together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fiſhings, Mines, Minerals, precious Stones, Quarries, and all and ſingular other Commodities, Juriſdictions, Royalties, Privileges, Franchiſes, Preheminences, and Hereditaments whatſoever, within the ſaid Tract, Bounds, Lands, and Iſlands aforeſaid, or to them or any of them belonging. *To have and to hold* the ſame unto the ſaid Governor and Company, their Succeſſors and Aſſigns for ever, upon Truſt, and for the Uſe and Benefit of Themſelves and their Aſſociates, Freemen of the ſaid Colony, their Heirs and Aſſigns, to be holden of Us, Our Heirs and Succeſſors, as of Our Manor of *Eaſt-Greenwich*, in free and common Soccage, and not in Capite, nor by Knights Service, yielding and paying therefore to Us, Our Heirs and Succeſſors, only the Fifth Part of all the Ore of Gold and Silver which from Time to Time, and at all Times hereafter, ſhall be there gotten, had, or obtained, in Lieu of all Services, Duties and Demands whatſoever, to be to Us, our Heirs, or Succeſſors therefore, or thereout rendered, made, or paid. *And laſtly*, We do for Us, our Heirs and Succeſſors, grant to the ſaid Governor and Company, and their Succeſſors, by theſe Preſents, That theſe Our Letters Patents, ſhall be firm, good and effectual in the Law, to all Intents, Conſtructions, and Purpoſes whatſoever, according to Our true Intent and Meaning herein before declared, as ſhall be conſtrued, reputed and adjudged moſt favourable on the Behalf, and for the beſt Benefit, and Behoof of the ſaid Governor and Company, and their Succeſſors, although expreſs Mention of the true Yearly Value or Certainty of the Premiſes, or of any of them, or of any other Gifts or Grants by Us, or by any of Our Progenitors, or Predeceſſors, heretofore made to the ſaid Governor and Company of the *Engliſh* Colony of *Connecticut*, in *New-England*, in *America*, aforeſaid, in theſe Preſents is not made, or any Statute, Act, Ordinance, Proviſion, Proclamation, or Reſtriction heretofore had, made, enacted, ordained, or provided, or any other Matter, Cauſe, or Thing whatſoever, to the contrary thereof, in any wiſe notwithſtanding. *In Witneſs whereof*, We have cauſed theſe Our Letters to be made Patents. Witneſs Ourſelf at *Weſtminſter*, the Three and Twentieth Day of *April*, in the Fourteenth Year of our Reign.

Grant of the lands within the limits expreſſed to the governor and company, with the commodities thereof, &c.

To be held in free and common ſoccage.

The patent to have the moſt favorable conſtruction for the beneſit of the govrnor and company.

*By Writ of Privy Seal,*

HOWARD.

# THE CONSTITUTION OF THE UNITED STATES.

WE the People of the United States, in order to form a more perfect Union, eſtabliſh juſtice, inſure domeſtic tranquility, provide for the common defence, promote the general welfare, and ſecure the bleſſings of liberty to ourſelves and our poſterity, do ordain and eſtabliſh this Conſtitution for the United States of America. Preamble.

## ARTICLE I.

*Sect.* 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives. Supreme powers where veſted.

*Sect.* 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature. Houſe of Repreſentatives how choſen.

No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen. Their qualifications.

Repreſentatives and direct taxes ſhall be apportioned among the ſeveral ſtates which may be included within this Union, according to their reſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervice for a term of three years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of repreſentatives ſhall not exceed one for every thirty thouſand, but each ſtate ſhall have at leaſt one repreſentative; and until ſuch enumeration ſhall be made, the ſtate of New-Hampſhire ſhall be entitled to chuſe three, Maſſachuſetts eight, Rhode-Iſland and Providence Plantations Rule of aportioning Repreſentatives & direct taxes

Number of Repreſentatives.

tions one, Connecticut five, New-York ſix, New-Jerſey four, Pennſylvania eight, Delaware one, Maryland ſix, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

Vacancies how filled.

When vacancies happen in the repreſentation from any ſtate, the Executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chuſe their Speaker and other officers; and ſhall have the ſole power of impeachment.

Senate how choſen, &c.

*Sect.* 3. The Senate of the United States ſhall be compoſed of two ſenators from each ſtate, choſen by the legiſlature thereof, for ſix years; and each ſenator ſhall have one vote.

Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes.

Rotation of ſenators.

The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and of the third claſs at the expiration of the ſixth year, ſo that one-third may be choſen every ſecond year; and if vacancies happen by reſignation, or otherwiſe, during the receſs of the legiſlature of any ſtate, the Executive thereof may make temporary appointments until the next meeting of the legiſlature, which ſhall then fill ſuch vacancies.

Their qualifications.

No perſon ſhall be a ſenator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate for which he ſhall be choſen.

Preſident of ſenate.

The Vice-Preſident of the United States ſhall be Preſident of the ſenate, but ſhall have no vote, unleſs they be equally divided.

Their powers

The Senate ſhall chuſe their other officers, and alſo a Preſident *pro tempore*, in the abſence of the Vice-Preſident, or when he ſhall exerciſe the office of Preſident of the United States.

The Senate ſhall have the ſole power to try all impeachments. When ſitting for that purpoſe, they ſhall be on oath or affirmation. When the Preſident of the United States is tried, the Chief Juſtice ſhall preſide: And no perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Judgment on impeachment not to extend, &c.

Judgment in caſes of impeachments ſhall not extend further than to removal from office, and diſqualification to hold and enjoy any office of honor, truſt or profit under the United States; but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment and puniſhment, according to law.

Elections how regulated.

*Sect.* 4. The times, places and manner of holding elections for ſenators and repreſentatives, ſhall be preſcribed in each ſtate by the legiſlature thereof: but the Congreſs may at any time by law make or alter ſuch regulations, except as to the places of chuſing Senators.

Congreſs when to aſſemble.

The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.

Privileges of each Houſe.

*Sect.* 5. Each houſe ſhall be the judge of the elections, returns and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties as each houſe may provide.

Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and with the concourrence of two-thirds, expel a member.

A journal to be kept.

Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the yeas and nays of the members of either houſe on any queſtion ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Adjournment.

Neither houſe, during the ſeſſion of Congreſs, ſhall without the conſent of the other, adjourn for more than three days, not to any other place than that in which the two houſes ſhall be ſitting.

*Sect.* 6.

*Sect.* 6. The ſenators and repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony and breach of peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective houſes, and in going to and returning from the ſame; and for any ſpeech or debate in either houſe, they ſhall not be queſtioned in any other place.

Wages how aſcertained.

Freedom from arreſts, &c.

No ſenator or repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been encreaſed during ſuch time; and no perſon holding any office under the United States, ſhall be a member of either houſe during his continuance in office.

Senators and repreſentatives not eligible to civil offices.

*Sect.* 7. All bills for raiſing revenue ſhall originate in the houſe of repreſentatives; but the ſenate may propoſe or concur with amendments as on other bills.

Money bills.

Every bill which ſhall have paſſed the houſe of repreſentatives and the ſenate, ſhall, before it become a law, be preſented to the preſident of the United States; if he approve he ſhall ſign it, but if not he ſhall return it, with his objections to that houſe in which it ſhall have originated, who ſhall enter the objections at large on their journal, and proceed to reconſider it. If after ſuch reconſideration two-thirds of that houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other houſe, by which it ſhall likewiſe be reconſidered, and if approved by two-thirds of that houſe, it ſhall become a law. But in all ſuch caſes the votes of both houſes ſhall be determined by yeas and nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journal of each houſe reſpectively. If any bill ſhall not be returned by the Preſident within ten days (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Bills to be preſented to the Preſident.

Every order, reſolution, or vote to which the concurrence of the Senate and Houſe of Repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Preſident of the United States; and before the ſame ſhall take effect, ſhall be approved by him, or, being diſapproved by him, ſhall be re-paſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

*Sect.* 8. The Congreſs ſhall have power

To lay and collect taxes, duties, impoſts and exciſes, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, impoſts and exciſes ſhall be uniform throughout the United States:

Powers of Congreſs.

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the ſeveral ſtates, and with the Indian tribes:

To eſtabliſh an uniform rule of naturalizations, and uniform laws on the ſubject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures:

To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States:

To eſtabliſh poſt-offices and poſt-roads:

To promote the progreſs of ſcience and uſeful arts, by ſecuring for limited times to authors and inventors the excluſive right to their reſpective writings and diſcoveries:

To conſtitute tribunals inferior to the ſupreme court:

To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations:

To

To declare war, grant letters of marque and repriſal, and make rules concerning captures on land and water:

To raiſe and ſupport armies, but no appropriation of money to that uſe ſhall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land of naval forces:

To provide for calling forth the militia to execute the laws of the Union, ſuppreſs inſurrections and repel invaſions:

To provide for organizing, arming, and diſciplining the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the States reſpectively, the appointment of the officers, and the authority of training the militia according to the diſcipline preſcribed by Congreſs:

To exerciſe excluſive legiſlation in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may, by ceſſion of particular ſtates, and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the legiſlature of the ſtate in which the ſame ſhall be, for the erection of forts, magazines, arſenals, dock-yards, and other needful buildings:——And

To make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other powers veſted by this conſtitution in the government of the United States, or in any department or office thereof.

Importation of ſlaves how regulated.

*Sect.* 9. The migration or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year one thouſand eight hundred and eight, but a tax or duty may be impoſed on ſuch importation, not exceeding ten dollars for each perſon.

Limitations of powers of Congreſs in certain caſes.

The privilege of the writ of *habeas corpus* ſhall not be ſuſpended, unleſs when in caſes of rebellion or invaſion the public ſafety may require it.

No bill of attainder or *ex poſt facto* law ſhall be paſſed.

No capitation, or other direct tax ſhall be laid, unleſs in proportion to the *cenſus* or inumeration herein before directed to be taken.

No tax or duty ſhall be laid on articles exported from any ſtate. No preference ſhall be given by any regulation of commerce or revenue to the ports of one ſtate over thoſe of another: nor ſhall veſſels bound to, or from, one ſtate, be obliged to enter, clear, or pay duties in another.

No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law; and a regular ſtatement and account of the receipts and expenditures of all public money ſhall be publiſhed from time to time.

No title of nobility ſhall be granted by the United States: And no perſon holding any office of profit or truſt under them, ſhall without the conſent of the Congreſs, accept of any preſent, emolument, office, or title, of any kind whatever, from any king, prince, or foreign ſtate.

Limitations of the powers of the ſtates in certain caſes.

*Sect.* 10. No ſtate ſhall enter into any treaty, alliance, or confederation; grant letters of marque or repriſal; coin money; emit bills of credit; make any thing but gold and ſilver coin a tender in payment of debts; paſs any bill of attainder, *ex poſt facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No ſtate ſhall, without the conſent of the Congreſs, lay any impoſts or duties on imports or exports, except what may be abſolutely neceſſary for executing its inſpection laws; and the neat produce of all duties and impoſts, laid by any ſtate on imports or exports, ſhall be for the uſe of the treaſury of the United States; and all ſuch laws ſhall be ſubject to the reviſion and control of the Congreſs. No ſtate ſhall, without the conſent of Congreſs, lay any duty of tonnage, keep troops, or ſhips of war in time of peace, enter into any agreement or compact with another ſtate, or

with

with a foreign power, or engage in war, unleſs actually invaded, or in ſuch imminent danger as will not admit of delay.

## ARTICLE II.

Executive power where veſted.

*Sect.* 1. The executive power ſhall be veſted in a Preſident of the United States of America. He ſhall hold his office during the term of four years, and, together with the Vice-Preſident, choſen for the ſame term, be elected as follows :——

Electors of Preſident.

Each ſtate ſhall appoint, in ſuch manner as the legiſlature thereof may direct, a number of electors, equal to the whole number of ſenators and repreſentatives to which the ſtate may be entitled in the Congreſs : But no ſenator or repreſentative, or perſon holding an office of truſt or profit under the United States, ſhall be appointed an elector.

Preſident and Vice-Preſident how choſen.

The electors ſhall meet in their reſpective ſtates, and vote by ballot for two perſons, of whom one at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves. And they ſhall make a liſt of all the perſons voted for, and of the number of votes for each ; which liſt they ſhall ſign and certify, and tranſmit ſealed to the ſeat of the government of the United States, directed to the Preſident of the Senate. The Preſident of the Senate ſhall, in the preſence of the Senate and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted. The perſon having the greateſt number of votes ſhall be the Preſident, if ſuch number be a majority of the whole number of electors appointed ; and if there be more than one who have ſuch majority, and have an equal number of votes, then the Houſe of Repreſentatives ſhall immediately chuſe by ballot one of them for Preſident ; and if no perſon have a majority, then from the five higheſt on the liſt the ſaid Houſe ſhall in like manner chuſe the Preſident. But in chuſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote ; a quorum for this purpoſe ſhall conſiſt of a member or members from two thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. In every caſe, after the choice of the Preſident, the perſon having the greateſt number of votes of the electors ſhall be the Vice-Preſident. But if there ſhould remain two or more who have equal votes, the Senate ſhall chuſe from them by ballot the Vice-Preſident.

The Congreſs may determine the time of chuſing the electors, and the day on which they ſhall give their votes ; which day ſhall be the ſame throughout the United States.

Who may be elected Preſident.

No perſon except a natural born citizen, or a citizen of the United States, at the time of the adoption of this conſtitution, ſhall be eligible to the office of Preſident ; neither ſhall any perſon be eligible to that office who ſhall not have attained to the age of thirty-five years, and been fourteen years a reſident within the United States.

In abſence of Preſident, Vice-Preſident to act.

In caſe of the removal of the Preſident from office, or of his death, reſignation, or inability to diſcharge the powers and duties of the ſaid office, the ſame ſhall devolve on the Vice-Preſident, and the Congreſs may by law provide for the caſe of removal, death, reſignation, or inability, both of the Preſident and Vice-Preſident, declaring what officer ſhall then act as Preſident, and ſuch officer ſhall act accordingly, until the diſability be removed, or a Preſident ſhall be elected.

Preſident's ſalary.

The Preſident ſhall, at ſtated times, receive for his ſervices, a compenſation, which ſhall neither be encreaſed nor diminiſhed during the period for which he ſhall have been elected, and he ſhall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he ſhall take the following oath or affirmation :

His oath.

" I do ſolemnly ſwear (or affirm) that I will faithfully execute the office " of Preſident of the United States, and will to the beſt of my ability, " preſerve, protect and defend the conſtitution of the United States."

His power.

*Sect.* 2. The Preſident ſhall be commander in chief of the army and navy of the United States, and of the militia of the ſeveral ſtates, when

called into the actual ſervice of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any ſubject relating to the duties of their reſpective offices, and he ſhall have power to grant reprieves and pardons for offences againſt the United States, except in caſes of impeachment.

He ſhall have power, by and with the advice and conſent of the Senate, to make treaties, provided two-thirds of the Senators preſent concur; and he ſhall nominate, and by and with the advice and conſent of the Senate, ſhall appoint ambaſſadors, other public miniſters and conſuls, judges of the ſupreme court, and all other officers of the United States, whoſe appointments are not herein otherwiſe provided for, and which ſhall be eſtabliſhed by law. But the Congreſs may by law veſt the appointment of ſuch inferior officers, as they think proper in the Preſident alone, in the courts of law, or in the heads of departments.

The Preſident ſhall have power to fill up all vacancies that may happen during the receſs of the Senate, by granting commiſſions which ſhall expire at the end of their next ſeſſion.

His duty.

*Sect.* 3. He ſhall from time to time give the Congreſs information of the ſtate of the Union, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary and expedient; he may, on extraordinary occaſions, convene both houſes, or either of them, and in caſe of diſagreement between them, with reſpect to the time of adjournment, he may adjourn them to ſuch time as he ſhall think proper; he ſhall receive ambaſſadors and other public miniſters; he ſhall take care that the laws be faithfully executed, and ſhall commiſſion all the officers of the United States.

Officers impeachable.

*Sect.* 4. The Preſident Vice-Preſident and all civil officers of the United States ſhall be removed from office on impeachment for, and conviction of, treaſon, bribery, or other high crimes and miſdemeanors.

## ARTICLE III.

Judicial power how veſted

*Sect.* 1. The judicial power of the United States, ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may from time to time ordain and eſtabliſh. The judges, both of the ſupreme and inferior court, ſhall hold their offices during good behaviour, and ſhall at ſtated times, receive for their ſervices, a compenſation, which ſhall not be diminiſhed during their continuance in office.

Juriſdiction courts.

*Sect.* 2. The judicial power ſhall extend to all caſes, in law and equity, ariſing under this conſtitution, the laws of the United States, and treaties made, or which ſhall be made, under their authority; to all caſes affecting ambaſſadors, other public miniſters and conſuls; to all caſes of admiralty and maritime juriſdiction; to controverſies to which the United States ſhall be a party; to controverſies between two or more ſtates, between a ſtate and citizens of another ſtate, between citizens of different ſtates, between citizens of the ſame ſtate claiming lands under grants of different ſtates, and between a ſtate, or the citizens thereof, and foreign ſtates, citizens or ſubjects.

In all caſes affecting ambaſſadors, other public miniſters and conſuls, and thoſe in which a ſtate ſhall be a party, the ſupreme court ſhall have original juriſdiction. In all the other caſes before mentioned, the ſupreme court ſhall have appelate juriſdiction, both as to law and fact, with ſuch exceptions, and under ſuch regulations as the Congreſs ſhall make.

Trial to be by jury except, &c.

The trial of all crimes, except in caſes of impeachment, ſhall be by jury; and ſuch trial ſhall be held in the ſtate where the ſaid crimes ſhall have been committed; but when not committed within any ſtate, the trial ſhall be at ſuch place or places as the Congreſs may by law have directed.

Treaſon defined.

*Sect.* 3. Treaſon againſt the United States, ſhall conſiſt only in levying war againſt them, or in adhering to their enemies, giving them aid and comfort. No perſon ſhall be convicted of treaſon unleſs on the teſtimony of two witneſſes to the ſame overt act, or on confeſſion in open court.

Puniſhment of it limited.

The Congreſs ſhall have power to declare the puniſhment of treaſon, but no attainder of treaſon ſhall work corruption of blood, or forfeiture, except during the life of the perſon attainted.

ARTICLE

## ARTICLE IV.

State records to be teſtimony.

*Sect.* 1. Full faith and credit ſhall be given in each ſtate to the public acts, records and judicial proceedings of every other ſtate. And the Congreſs may by general laws preſcribe the manner in which ſuch acts, records and proceedings ſhall be proved, and the effect thereof.

Rights of citizens.

*Sect.* 2. The citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates.

Criminals to be ſurrendered.

A perſon charged in any ſtate with treaſon, felony, or other crime, who ſhall flee from juſtice, and be found in another ſtate, ſhall, on demand of the executive authority of the ſtate from which he fled, be delivered up, to be removed to the ſtate having juriſdiction of the crime.

Slaves to be delivered on claim.

No perſon held to ſervice or labour in one ſtate, under the laws thereof, eſcaping into another, ſhall, in conſequence of any law or regulation therein, be diſcharged from ſuch ſervice or labour, but ſhall be delivered up on claim of the party to whom ſuch ſervice or labour may be due.

New ſtates to be admitted.

*Sect.* 3. New ſtates may be admitted by the Congreſs into this Union; but no new ſtate ſhall be formed or erected within the juriſdiction of any other ſtate; nor any ſtate be formed by the junction of two or more ſtates, or parts of ſtates, without the conſent of the legiſlatures of the ſtates concerned as well as of the Congreſs.

Public lands in Congreſs.

The Congreſs ſhall have power to diſpoſe of and make all needful rules and regulations reſpecting the territory or other property belonging to the United States; and nothing in this conſtitution ſhall be ſo conſtrued as to prejudice any claims of the United States, or of any particular ſtate.

State governments guaranteed.

*Sect.* 4. The United States ſhall guarantee to every ſtate in this Union a Republican form of Government, and ſhall protect each of them againſt invaſion; and on application of the legiſlature, or of the executive (when the legiſlature cannot be convened) againſt domeſtic violence.

## ARTICLE V.

Amendments how to be made.

The Congreſs, whenever two-thirds of both Houſes ſhall deem it neceſſary, ſhall propoſe amendments to this conſtitution, or, on the application of the legiſlatures of two-thirds of the ſeveral Sates, ſhall call a convention for propoſing amendments, which, in either caſe, ſhall be valid to all intents and purpoſes, as part of this conſtitution, when ratified by the legiſlatures of three-fourths of the ſeveral ſtates, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be propoſed by the Congreſs: Provided, that no amendment which may be made prior to the year one thouſand eight hundred and eight ſhall in any manner effect the firſt and fourth clauſes in the ninth ſection of the firſt article; and that no ſtate, without its conſent, ſhall be deprived of its equal ſuffrage in the Senate.

## ARTICLE VI.

Old debts valid.

All debts contracted and engagements entered into, before the adoption of this conſtitution, ſhall be as valid againſt the United States under this conſtitution, as under the confederation.

Laws of Congreſs ſupreme

This Conſtitution, and the laws of the United States which ſhall be made in purſuance thereof; and all treaties made, or which ſhall be made, under the authority of the United States, ſhall be the ſupreme law of the land; and the judges in every ſtate ſhall be bound thereby, any thing in the conſtitution or laws of any ſtate to the contrary notwithſtanding.

Civil officers to take an oath.

The ſenators and repreſentatives before mentioned, and the members of the ſeveral ſtate legiſlatures, and all executive and judicial officers, both of the United States and of the ſeveral ſtates, ſhall be bound by oath or affirmation, to ſupport this conſtitution; but no religious teſt ſhall ever be required as a qualification to any office or public truſt under the UnitedStates.

No religious teſt.

## ARTICLE VII.

Ratification.

The ratification of the conventions of nine ſtates, ſhall be ſufficient for the eſtabliſhment of this conſtitution between the ſtates ſo ratifying the ſame.

DONE

DONE in Convention, by the unanimous conſent of the States preſent, the ſeventeenth day of September, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and of the Independence of the United States of America the twelfth. In witneſs whereof we have hereunto ſubſcribed our Names.

GEORGE WASHINGTON, *Preſident*,
And Deputy from *Virginia*.

*New-Hampſhire*, John Langdon, Nicholas Gilman.—*Maſſachuſetts*, Nathaniel Gorham, Rufus King.—*Connecticut*, William Samuel Johnſon, Roger Sherman.—*New-York*, Alexander Hamilton.—*New-Jerſey*, William Livingſton, David Brearly, William Patterſon, Jonathan Dayton.—*Pennſylvania*, Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzſimons, Jared Ingerſoll, James Wilſon, Gouverneur Morris.—*Delaware*, George Read, Gunning Bedford jun. John Dickinſon, Richard Baſſett, Jacob Broom.—*Maryland*, James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carrol.—*Virginia*, John Blair, James Madiſon, jun.—*North-Carolina*, William Blount, Richard Dobbs Spaight, Hugh Williamſon.—*South-Carolina*, John Rutledge, Charles Coteſworth Pinckney, Charles Pinckney, Pierce Butler,—*Georgia*, William Few, Abraham Baldwin.

Atteſt. WILLIAM JACKSON, *Secretary*.

IN CONVENTION.

MONDAY, *September*, 17, 1787.

PRESENT,

The States of New-Hampſhire, Maſſachuſetts, Connecticut, Mr. *Hamilton* from New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

RESOLVED,

THAT the preceeding Conſtitution be laid before the United States in Congreſs aſſembled, and that it is the opinion of this Convention, that it ſhould afterwards be ſubmitted to a Convention of Delegates, choſen in each ſtate by the people thereof, under the recommendation of its legiſlature, for their aſſent and ratification; and that each Convention aſſenting to, and ratifying the ſame, ſhould give notice thereof to the United States in Congreſs aſſembled.

RESOLVED, That it is the opinion of this Convention, that as ſoon as the Conventions of nine ſtates ſhall have ratified this Conſtitution, the United States in Congreſs aſſembled ſhould fix a day on which electors ſhould be appointed by the ſtates, which ſhall have ratified the ſame, and a day on which the electors ſhould aſſemble to vote for the Preſident, and the time and place for commencing proceedings under this Conſtitution. That after ſuch publication the electors ſhould be appointed, and the ſenators and repreſentatives elected: That the electors ſhould meet on the day fixed for the election of the Preſident, and ſhould tranſmit their votes certified, ſigned, ſealed and directed, as the Conſtitution requires, to the ſecretary of the United States in Congreſs aſſembled, that the ſenators and repreſentatives ſhould convene at the time and place aſſigned; that the ſenators ſhould appoint a preſident of the ſenate, for the ſole purpoſe of receiving, opening and counting the votes for Preſident; and that after he ſhall be choſen, the Congreſs, together with the Preſident, ſhould, without delay, proceed to execute this conſtitution.

*By the unanimous Order of the Convention.*

GEORGE WASHINGTON, *Preſident*.
WILLIAM JACKSON, *Secretary*.

*In the Name of the PEOPLE of the State of Connecticut.*

WE the Delegates of the People of ſaid State, in General Convention aſſembled, purſuant to an Act of the Legiſlature in October laſt, have aſſented to and ratified, and by theſe preſents do aſſent to, ratify and adopt the Conſtitution, reported by the Convention of Delegates in Philadelphia on the 17th day of September, A. D. 1787, for the United States of America.

DONE in Convention, this 9th day of January, A. D. 1788. In witneſs whereof we have hereunto ſet our hands.

(*Here follow the Names of the Signers.*)

STATE OF CONNECTICUT, *ſſ.* } *HARTFORD, January 9th, Anno Domini* 1788.

*THE foregoing Ratification was agreed to, and ſigned as above, by* One Hundred and Twenty-Eight, *and diſſented to by* Forty *Delegates in Convention, which is a Majority of* Eighty-Eight.

Certified by WATTHEW GRISWOLD, PRESIDENT.

Teſt, JEDEDIAH STRONG, Secretary.

# A Catalogue of the ſeveral Acts, in alphabetical Order.


A

ABSTRACT and declaration (of Rights, &c. 1
Abatement and amendment of Writs. 2
Age. 3
Actions civil. 3
Adultery. 8
Alarms. 8
Arbitration. 8
Arreſts. 9
Attachments. 10
Attornies. 10
Auditors. 11
Auditing public Accounts. 12

B

BAIL. 13
Ballaſt. 14
Barberry-buſhes. 14
Barrators. 14
Baſtardy. 15
Boats. 15
Bricks. 15
Bounds of Towns. 16
Bridges. 17
Briefs. 18
Burglary. 18

C

CASKS. 18
Cattle, &c. 19
Children. 20
Communities. 21
Conſcience. 21
Conſtables. 22
Counterfeiting, &c. 24
Counties named. 26
Courts. 27

D

DEATHS ſudden. 33
Debts, by Book. 34
Debtors, abſconding. 34
Deer. 36
Defamation. 38
Delegates. 38
Delinquents. 39
Deſerters. 41
Divorce. 41
Dogs. 41
Dowry. 42
Drunkenneſs. 43
Duelling. 43

E

ELECTION. 44
Embargoes. 46
Encroachments. 47
Equity. Page 48
Equity, as to Depreciation. 49
Error. 50
Eſcheats. 51
Eſtates. 51
Eſtates, confiſcated. 56
Exciſe. 58
Executions. 61

F

FEES. 63
Felonies. 66
Fences and Fields. 67
Ferries. 74
Fidelity. 77
Fines. 77
Fiſheries. 78
Forceable Entry. 80
Foreigners, inſidious, &c. 82
Foreigners, Rights ſecured. 82
Foreigners, not to hold Land. 83
Forgery. 84
Forms of Writs, &c. 84
Fornication. 87
Frauds and Perjuries. 87
Fraudulent Conveyances. 87
Freemen. 88

G

GAMING. 88
Gaols and Gaolers. 89
Goats. 92
Grand-jury-men. 92
Guardians. 93

H

HIGHWAYS. 94
Hides. 97
Horſe-racing. 97

I

IDIOTS, &c. 98
Impreſſes. 100
Indians. 101
Inhabitants. 102
Inſolvent Eſtates. 105
Judges and Juſtices. 106
Jurors. 108
Juſtice, eſcaping from. 110

L

LANDS. 110
Laſciviouſneſs. 124
Leather. 125
Light-Houſe. 127
Limitation. 127
Liſters. 128
Literature. 133
Lotteries. 135

# A Catalogue of the ſeveral Acts, in alphabetical Order.


| | Page |
|---|---|
| **M** | |
| MANSLAUGHTER. | 135 |
| Marriages. | 135 |
| Maritime. | 138 |
| Maſters. | 142 |
| Meeting-Houſes. | 143 |
| Meetings. | 144 |
| Militia. | 144 |
| Mills. | 157 |
| Miniſters. | 157 |
| Money. | 160 |
| Monuments. | 161 |
| Mountebanks. | 161 |
| Murder. | 162 |
| **N** | |
| NAVIGATION. | 162 |
| New-Haven City. | 164 |
| New-London City. | 172 |
| Night-walkers. | 180 |
| Nuſances. | 181 |
| **O** | |
| OATHS. | 182 |
| Onions. | 187 |
| Oppreſſion. | 188 |
| **P** | |
| PEACE. | 188 |
| Pedlars. | 190 |
| Perjury. | 190 |
| Petitions. | 191 |
| Pleas. | 192 |
| Poor. | 193 |
| Pounds. | 194 |
| Prohibitions. | 196 |
| **Q** | |
| QUAKERS. | 196 |
| **R** | |
| RAPE. | 197 |
| Rates. | 197 |
| Replevins. | 204 |
| Riots. | 205 |
| Rogues. | 206 |
| Rum. | 210 |
| **S** | |
| SABBATH. | 213 |
| Schools. | 215 |
| Secretary. | 218 |
| Select-men. | 218 |
| Sewers. | 219 |
| Sheep. | 222 |
| Sheriffs. | 223 |
| Ships. | 226 |
| Sickneſs. | 227 |
| Sign-poſt. | 231 |
| Silk. | 232 |
| Slaves. | 233 |
| Societies. | 235 |
| Stocks. | 237 |
| Strays. | 238 |
| Subjects, French. | 238 |
| Surveyors. | 239 |
| Swearing, profane. | 240 |
| Swine. | 240 |
| **T** | |
| TAVERNS. | 240 |
| Theft. | 244 |
| Timber. | 245 |
| Tobacco. | 247 |
| Towns and Town-Officers. | 247 |
| Town-Clerks. | 249 |
| Treaſon. | 251 |
| Treaſurers. | 251 |
| Treſpaſſes. | 253 |
| **V** | |
| VEXATIOUS Suits. | 258 |
| Vice. | 258 |
| **U** | |
| UNITED States. | 259 |
| Uſury. | 260 |
| **W** | |
| WEIGHTS, &c. | 261 |
| Witneſſes. | 263 |
| Wrecks. | 264 |
| An Act confirming the Reviſal of the Laws. | 265 |

# ACTS AND LAWS,

## Paſſed by the GENERAL ASSEMBLY of the State of CONNECTICUT.

## An Act containing an Abſtract and Declaration of the Rights and Privileges of the People of this State, and ſecuring the ſame.

*THE People of this State, being by the Providence of God, free and independent, have the ſole and excluſive Right of governing themſelves as a free, ſovereign, and independent State; and having from their Anceſtors derived a free and excellent Conſtitution of Government, whereby the Legiſlature depends on the free and annual Election of the People, they have the beſt Security for the Preſervation of their civil and religious Rights and Liberties. And foraſmuch as the free Fruition of ſuch Liberties and Privileges as Humanity, Civility and Chriſtianity call for, as is due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and will be the Tranquility and Stability of Churches and Commonwealths; and the Denial thereof, the Diſturbance, if not the Ruin of both.* Preamble.

*BE it enacted and declared by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the ancient Form of Civil Government, contained in the Charter from *Charles* the Second, King of *England*, and adopted by the People of this State, ſhall be and remain the Civil Conſtitution of this State, under the ſole Authority of the People thereof, independent of any King or Prince whatever. And that this Republic is, and ſhall forever be and remain, a free, ſovereign and independent State, by the Name of the STATE OF CONNECTICUT. Conſtitution and name of the State.

*And be it further enacted and declared by the Authority aforeſaid,* That no Man's Life ſhall be taken away: No Man's Honor or good Name ſhall be ſtained: No Man's Perſon ſhall be arreſted, reſtrained, baniſhed, diſmembered, nor any Ways puniſhed: No Man ſhall be deprived of his Wife General ſecurity of the rights of the people.

or Children: No Man's Goods or Eſtate ſhall be taken away from him, nor any Ways indamaged under the Colour of Law, or Countenance of Authority; unleſs clearly warranted by the Laws of this State.

Equal juſtice to be adminiſtred.

That all the free Inhabitants of this or any other of the United States of *America*, and Foreigners in Amity with this State, ſhall enjoy the ſame Juſtice and Law within this State, which is general for the State, in all Caſes proper for the Cognizance of the Civil Authority and Court of Judicature within the ſame, and that without Partiality or Delay.

No perſon to be impriſoned without law——and bailable in all caſes, except, &c.

And that no Man's Perſon ſhall be reſtrained, or impriſoned, by any Authority whatſoever, before the Law hath ſentenced him thereunto, if he can and will give ſufficient Security, Bail, or Mainprize for his Appearance and good Behaviour in the mean Time, unleſs it be for Capital Crimes, Contempt in open Court, or in ſuch Caſes wherein ſome expreſs Law doth allow of, or order the ſame.

## An Act relating to the Abatement and Amendment of Writs, reverſal of Judgments, &c.

Writs abated, and amendable on payment of coſts.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when any Plea ſhall be made in Abatement of any Writ or Proceſs, before the Superior or County Court, or before any Aſſiſtant or Juſtice of the Peace, that if it be ruled in Favour of the Defendant, the Plaintiff ſhall have Liberty to amend that Defect, on his paying down to the Defendant his Coſts to that Time; and then to proceed as he might have done if no ſuch Defect had been: And in Caſe the Defendant appeal from a Judgment given on Pleas of Abatement and ſhall not make good his Plea, by the Judgment of that Court to which he appeals, Coſts ſhall by ſuch Court be awarded againſt him, however the Caſe ſhall finally iſſue, and Execution granted for the ſame.

No writ abateable for circumſtantial error.

*And be it further enacted by the Authority aforeſaid*, That no Writ, Pleading, Judgment, or any Kind of Proceeding in Court or Courſe of Juſtice, ſhall be abated, ſuſpended or reverſed for any Kind of circumſtantial Errors, Miſtakes or Defects, if the Perſon and the Cauſe may be thereby rightly underſtood and intended by the Court.

Death of the party ſhall not abate the writ, in caſe originally proſecutable by or againſt the executors, &c.

*And be it further enacted by the Authority aforeſaid*, That when any Action being commenced ſhall be depending in any of the Superior or County Courts in this State, and the Plaintiff in ſuch Action ſhall afterward, and before final Judgment thereon die, the ſame ſhall not abate if the Action might originally be proſecuted by his Executor or Adminiſtrator, but in ſuch Caſe the Executors or Adminiſtrators may enter, if they ſee Cauſe, and proſecute the ſame. And if the Defendant in any Action die, after the ſame is commenced and depending as aforeſaid, and before final Judgment, then the ſame ſhall not abate, if ſuch Action might be originally proſecuted againſt his Executors or Adminiſtrators, and the Plaintiff, or the Executor or Adminiſtrator of ſuch Plaintiff may in ſuch Caſe, have a *Scire Facias* againſt the Executors or Adminiſtrators of ſuch deceaſed Defendant, to ſhew Cauſe why Judgment ſhall not be rendered againſt them; which being duly ſerved, at leaſt twelve Days before the Court, to which the ſame is returnable, and returned, the Action ſhall proceed to final Iſſue according to Law.

*And be it further enacted*, That if in any Action commenced, there be two or more Plaintiffs or Defendants, and one or more of them die, pend-

ing

ing the Suit, if the Cauſe of Action ſurvive to the ſurviving Plaintiff or Plaintiffs, or againſt the ſurviving Defendant or Defendants, the Writ or Action ſhall not abate; but ſuch Death being ſuggeſted upon the Record, the Action ſhall proceed.

Writ not to abate by the death of one of the parties, &c.

## An Act relating to the Age, Ability and Capacity of Perſons.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all Perſons of the Age of Twenty-one Years, of right Underſtanding and Memory, whether excommunicated or other, (not otherwiſe legally incapable) ſhall have full Power, Authority and Liberty to make their Wills and Teſtaments, and all other lawful Alienations of their Lands and other Eſtates; and to give their Vote, Verdict or Sentence in any Matter or Cauſe. And all ſuch Perſons of the Age of Seventeen Years, ſhall have Power and Authority to diſpoſe of their perſonal Eſtate, by Will or Teſtament. And the Age for chooſing Guardians, ſhall be fourteen Years for Male, and twelve Years for female Children.

Age for diſpoſing of real eſtate by will, &c.

Age for diſpoſing of perſonal eſtate: And for chooſing guardians.

*Provided neverthelefs,* That ſuch Perſons as are condemned to Death, the Charges of their Proſecution, Impriſonment and Execution being firſt anſwered and paid out of their Eſtate, the Remainder thereof ſhall be diſpoſed of according to Law.

Proviſo.

*And in order to avoid Perpetuities, it is hereby provided,* That no Eſtate, either in Fee-Simple, Fee-Tail, or any leſſer Eſtate, ſhall be given by Deed or Will to any Perſon or Perſons but ſuch as are in Being, or to the immediate Iſſue or Deſcendants of ſuch as are in Being at the Time of making ſuch Deed or Will. And that all Eſtates given in Tail, ſhall be and remain an abſolute Eſtate in Fee-Simple, to the Iſſue of the firſt Donee in Tail.

Proviſo, to prevent perpetuities.

## An Act for the directing and regulating of Civil Actions.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the ordinary Proceſs in Civil Actions in this State, ſhall be a Summons or an Attachment, fairly written, ſigned by a Magiſtrate, Juſtice of the Peace, or Clerk of the Court, mentioning the Court, the Time and Place of Appearance; therein alſo containing a Declaration of the Subſtance of the Action: Which Attachments may be granted againſt the Goods or Chattels of the Defendant; and for want of them, the Lands or Perſon of the Defendant may be attached: Provided the Plaintiff when he prays out an Attachment, gives ſufficient Security to proſecute his Action to Effect, and anſwer all Damages in Caſe he make not his Plea good. And like Security ſhall be given by ſome ſubſtantial Inhabitant of this State, on granting a Summon, when the Plaintiff is not an Inhabitant of this State; or if it ſhall appear to the Authority ſigning the ſame, that the Plaintiff is unable to pay the Coſt of Proſecution, if recovered againſt him. And all Writs and Proceſſes ſhall be directed to the Sheriff, his Deputy, or ſome Conſtable, if ſuch Officer can be had without great Charge or Inconvenience: And in every Caſe wherein the Authority ſigning a Writ ſhall find it neceſſary to direct the ſame to an Indifferent Perſon, ſuch Authority ſhall inſert the Name of the Indifferent Perſon in the Direction of the Writ, and the Reaſon of ſuch Direction; and if any Writ be otherwiſe directed, it ſhall abate.

Ordinary proceſs what.

How ſerved.

Proviſo.

*Provided neverthelefs*, Nothing herein ſhall extend to affect Summons's for Witneſſes, Warrants to Collectors of Rates, or Warrants granted by Military Officers.

12 days notice for ſuperior or county courts 6 days before juſtices court.

And that no Perſon ſhall be required to make Anſwer in any Civil Action, real, perſonal or mixt, except the Writ or Proceſs, if returnable to the Superior or County Court, hath been ſerved upon him at leaſt twelve Days incluſive, before the Day of the Court's ſitting: or if returnable to an Aſſiſtant or Juſtice, the ſame hath been ſerved ſix Days incluſive, as aforeſaid: Which Service ſhall be, if a Summons, by reading the ſame in the Hearing of the Defendant or Defendants, or leaving an atteſted Copy thereof at the Place or Places of his or their uſual Abode: But if an Attachment, the Service ſhall be the attaching the Defendant or Defendants Eſtate or Perſon, and giving him Notice by reading the Writ to him or within his hearing, or by leaving an atteſted Copy thereof at the Place of his uſual Abode, if that be within this State: And that all ſuch Writs as are made returnable to the County Courts, ſhall be returned to the Clerks of ſaid Courts on the Day before the ſitting of ſuch County Courts, and not afterwards. That in caſe any Proceſs be duly ſerved on any Defendant or Defendants, and return thereof made to the Court to which the ſame is made returnable, then if ſuch Defendant or Defendants do not appear, his or their Default ſhall be recorded, and Judgment entered up againſt him or them thereupon; unleſs he or they ſhall come into Court, on or before the ſecond Day of the ſitting of ſaid Court, and move for a Trial, in which Caſe he or they ſhall be admitted thereto, upon paying down to the adverſe Party the Coſts to that Time; and the Plaintiff ſhall pay for entering the Action a-new.

Perſons out of the ſtate at the commencement of the action againſt them & do not return before the ſitting of the court, actions to be continued &c.

But if the Party againſt whom Suit is brought, is not an Inhabitant or a Sojourner in this State, or is abſent out of the ſame at the Time of commencing ſuch Suit, and doth not return before the firſt Day of the Court's ſitting, the Judges of the Court where ſuch Suit is brought, ſhall continue the Action to the next Court; and if the Defendant doth not then appear, (by himſelf or Attorney) and be ſo remote that the Notice of ſuch Suit depending, could not probably be conveyed to him during the Vacancy, the Judges at ſuch next Court may further continue the Action to the Court thence next following, and no longer; but may enter up Judgment on Default after ſuch Continuance or Continuances: And in ſuch Caſes where Judgment ſhall be entered up by Default after ſuch Continuances as aforeſaid, Execution ſhall be ſtayed and not iſſue forth thereon until the Plantiff ſhall have given or lodged with the Clerk, a Bond with one or more ſufficient Sureties to the adverſe Party, in double the Value of the Eſtate or Sum recovered by ſuch Judgment, to make Reſtitution, and to refund and pay back ſuch Sum as ſhall be given in Debt or Damage, or ſo much as ſhall be recovered upon a Suit therefor; to be brought within twelve Months next after entering up the firſt Judgment: If upon ſuch Suit the Judgment ſhall be reverſed, annulled or altered, the Security aforeſaid to be no farther anſwerable than for the Recovery that ſhall be made upon ſuch Suit to be had within twelve Months, as aforeſaid.

Proviſo.

*Provided alſo*, That no real Eſtate taken in Execution, granted upon ſuch firſt Judgment, ſhall be alienated or paſſed away, until after the Expiration of the ſaid twelve Months, or after a new Trial had on a Suit brought within the Space of twelve Months for the obtaining of Reſtitution, as aforeſaid.

In actions on joint contracts, ſervice on thoſe within the State, good againſt all.

That in Actions on joint Securities, or Contracts, when all the Defendants are not Inhabitants of this State, the Service of the Proceſs on ſuch of the Defendants as are Inhabitants of this State (if any) ſhall be ſufficient Notice to maintain the Suit againſt all the Defendants. And if any ſuch

Defendant

Defendant on whom the Proceſs was not ſerved is aggrieved by the Judgment, he may be relieved by *Audita Querela.*

*Be it further enacted by the Authority aforeſaid*, That any Perſon who hath entered an Action to be tried in any Court, being called three Times (after twelve of the Clock on the firſt Day of the Court's ſitting) ſhall not appear, either by himſelf or Attorney, to proſecute his Action, he ſhall be non-ſuited, and pay all Coſts and Charges to the Defendant, and for the Entry of the Action, as if the ſame had been proſecuted in ſuch Court. And that the Plaintiff in all Actions brought to any Court, ſhall have Liberty to withdraw his Action, or to non-ſuit himſelf, before the Jury have given in their Verdict: In which Caſe he ſhall pay full Coſts to the Defendant; and may afterwards renew his Suit at another Court; the former Withdraw or Non-ſuit being firſt recorded.

Non-ſuit and Withdraw how & when made.

*And be it further enacted by the Authority aforeſaid*, That all Suits brought for the Trial of the Title of Land, or wherein the Title of Land is concerned, ſhall be tried in the ſame County where the Land lies, or Facts are done concerning which the Title of Land may be in Queſtion. And that all other Actions that may be brought before the Superior or County Courts, ſhall be brought and tried in that County where the Plaintiff or Defendant dwells, if they or either of them are Inhabitants within this State. And that all Suits and Proſecutions cognizable before an Aſſiſtant, or Juſtice of the Peace, ſhall be made and proſecuted before ſuch Authority in thoſe Towns only where the Plaintiff or Defendant dwells; unleſs there be no Authority which may lawfully try the Cauſe in either of ſaid Towns: In which Caſe the Plaintiff may bring his Suit before an Aſſiſtant, or Juſtice of the Peace in one of the next adjoining Towns to the Place of his Abode.

Title of Land to be tried in the County where the Land lies: All other Actions in the County where one or both the Parties live, and all Actions before an Aſſiſtant or Juſtice, in the Town where one of the Parties live, if within this State.

*And be it further enacted by the Authority aforeſaid*, That all Cauſes wherein the Title of Land is not concerned, and wherein the Debt, Treſpaſs, Damage, or other Matter in Demand, doth not exceed *Four Pounds*, or if the Action be on Bond or Note given for the Payment of Money or Bills of Credit only, vouched by two Witneſſes, when the Sum demanded does not exceed *Ten Pounds*, ſhall and may be heard and determined by any one Aſſiſtant or Juſtice of the Peace; who are hereby reſpectively empowered to hear and determine the ſame, by their Diſcretion and according to Law, and award Execution thereon.

Juſtices Juriſdiction to extend to £.4 where the Title of Land is not concerned, and to £.10 on Bond or Note, witneſſed with two Witneſſes

*Always provided*, That where the Sum demanded ſhall exceed the Sum of *Forty Shillings*, an Appeal ſhall be allowed to the next County Court, except in Actions brought on Notes of Hand or Bond, vouched by two Witneſſes as aforeſaid, in which Caſe no Appeal ſhall be allowed.

Proviſo.

And all Actions that ſhall be tried before the Superior or County Courts, when Iſſue is joined on any Matter of Fact, ſhall be tried by a Jury of twelve Men of the Neighbourhood, qualified, impannelled, and ſworn according to Law, who ſhall find the Matter in Iſſue, with the Debt or Damages, and Coſt according to Law and their Evidence; and the Judges ſhall make up and declare the Sentence thereon: And every Caſe wherein the Parties ſhall join in Demurer in Law, ſhall be heard and determined by the Judges; and if there be any Matter of apparent Equity, as upon the Forfeiture of a Bond or Obligation, or Breach of Covenant without Damage, or the like, the Judges ſhall determine ſuch Matter of Equity: And if upon a Bond with Conditions, the Breach of which may happen at ſeveral Times, a Suit be brought on the firſt Breach of ſuch Condition, the Court upon the Forfeiture of ſuch Bond, found on Trial, Demurer, Confeſſion or otherwiſe, ſhall, on Motion made for that Purpoſe,

Jury to try Matters of Fact.

Judges to determine Matters of Law, &c.

proceed

proceed to conſider what is due in Equity on ſuch Bond at that Time, and enter up Judgment for the ſame, with Coſts, and award Execution thereon.

Proviſo that the parties may agree to put the matter of fact to the court to determine.

*Provided nevertheleſs*, That in all Actions which may be brought or come before the ſaid Superior or County Courts in due Courſe of Law, wherein the Parties ſhall join Iſſue on any Matter of Fact, and agree and do put themſelves on the Court for Trial of ſuch Iſſue; the Judges of ſaid reſpective Courts, having Juriſdiction of ſuch Action or Actions, may and ſhall proceed to hear and try the ſame without a Jury, and to award Damages and Coſts, and grant Execution thereon; any Thing before to the contrary notwithſtanding.

Scire facias on the farther breach of a bond, &c.

And upon any further or other Breach, or Neglect of Performance of any other Particular in the Condition annexed to, or indorſed on ſaid Bond, the Obligee, his Executors or Adminiſtrators, may take out a *Scire Facias* againſt the Obligor, his Heirs, Executors or Adminiſtrators, from the Clerk of that Court in which Judgment was given, to ſhew Cauſe why Execution ſhall not be awarded for the Money then due, or Damages then ſuſtained: And the Court ſhall proceed to make up Judgment for what ſhall appear in Equity to be then due, with additional Coſts, and award Execution thereon; and ſo from Time to Time till all the Particulars mentioned in ſuch Condition are performed and compleated.

And the Judges ſhall alſo determine Matters of Law, ſtated and referred to them by the Jury in their ſpecial Verdicts; which Verdicts the Jury in all Caſes wherein Matters of Law are to them ſo obſcure that they cannot clearly and ſafely give a poſitive Verdict, ſhall have Liberty to give a

Special verdict.

ſpecial Verdict therein; finding and preſenting the Facts, and thereon ſtating and putting the Queſtion in Law, viz. "If the Law be ſo in ſuch a Point, then we find for the Plaintiff; but if the Law be otherwiſe, then we find for the Defendant."

Court impower'd to return the jury to a third conſideration

*And be it further enacted by the Authority aforeſaid*, That the Judges of the Court ſhall have Liberty, if they judge the Jury have not attended the Evidence given in, and the true Iſſue of the Caſe in their Verdict, to cauſe them to return to a ſecond Conſideration of the Caſe, and ſhall for the like Reaſon have Power to return them to a third Conſideration, and no more. And when the Court have committed any Caſe to the Conſideration of the Jury, the Jury ſhall be confined under the Cuſtody of an Officer appointed by the Court, until they are agreed on a Verdict: And the Court may ſet a ſuitable Fine, not exceeding *Twenty Shillings*, upon ſuch Officer or Juryman as ſhall be diſorderly, or neglect, or refuſe, due Attendance of their Duties reſpectively, during their attending the Court.

No pleas, &c. after cauſe is committed to the jury.

And that when the Parties have made their Pleas in any Court and given their Evidences, and the Caſe is committed to the Jury, there ſhall be no after Pleas, Arguments, Evidences or Teſtimonies, heard or received in ſuch Caſes, before the Jury have returned their Verdict into Court, and the ſame is recorded.

New trials.

*And be it further enacted by the Authority aforeſaid*, That the Superior and County Courts in this State, ſhall and may from Time to Time, as Occaſion ſhall require, and as ſhall by them be judged reaſonable and proper, grant new Trials of Cauſes that ſhall come before them for miſpleading, or diſcovery of new Evidence, or for other reaſonable Cauſe appearing, according to the common and uſual Rules and Methods in ſuch Caſes.

No appeal, unleſs matter in demand exceed 20l.

That all Actions wherein the Matter in Demand does not exceed the Value of *Twenty Pounds* lawful Money; and all Actions brought on Bond

or

or Note, given for the Payment of Money, or Bills of Credit only, vouched by two Witneſſes (except ſuch Matters as by Virtue of this Act may be tried by an Aſſiſtant or Juſtice of the Peace) ſhall be heard and finally determined by the County Court.

That in any Action brought to, heard and tried by any County Court, wherein the Title of Land is in Queſtion, or wherein the Value of the Debt, Damage or Matter in Diſpute ſhall exceed the Value of *Twenty Pounds*, (except it be on Bond or Note vouched by two Witneſſes) if either Party ſhall be aggrieved by the Sentence or Judgment of ſuch Court therein, an Appeal ſhall be allowed to the next Superior Court to be holden in the ſame County. Provided that ſuch Appeal be entered during the Time of the ſitting of the Court from which the Appeal ſhall be made; and ſufficient Bond with Surety be given by the Party appealing, to proſecute ſuch Appeal to Effect, and anſwer all Damage in Caſe he make not his Plea good.

Appeals, when to be allowed——

when to be entered, &c.

And all Bonds for Proſecution in Civil Cauſes, ſhall be made payable to the adverſe Party. And all Appeals to the Superior Court, ſhall be entered before the ſecond opening of ſuch Court, and not after; unleſs the Appellant ſhall pay to the Appellee all his Coſt in ſuch Caſe ariſen to that Time, (which ſhall not be refunded however the Cauſe may finally iſſue); which Coſt being taxed and paid, the Action may be entered by the Appellant, before the Jury attending ſuch Court are diſmiſſed, and not after: And if the Appellant do not enter ſuch Appeal, before the Jury are diſmiſſed, the Appellee may enter the ſame, and have the Judgment of the County Court in the Caſe affirmed with the additional Coſt, and Execution granted accordingly.

Bond for proſecution, how payable.

Appeals to be entered before the 2d opening of the court, unleſs, &c.

That in all Actions brought by any Perſon who is not an Inhabitant of this State, to any Court in this State, the Clerk of ſuch Court ſhall enter in the Record of the Cauſe, the Name of the Attorney by whom ſuch Stranger appeared; which Record, or an atteſted Copy thereof, ſhall be good Evidence in Law, that ſuch Attorney, was the lawful Attorney for ſaid Stranger.

If the plaintiff is not an inhabitant of this ſtate, his attorney's name to be entered, &c.

That no Coſt ſhall be allowed for Travel to get a Writ, or for carrying it to an Officer.

No coſt for travel to get a writ, &c.

*And be it further enacted by the Authority aforeſaid*, That when any Aſſiſtant or Juſtice of the Peace hath given Judgment in any Caſe, and before the ſame is ſatisfied or Execution granted thereon, ſhall be removed by Death or otherwiſe; the Party in whoſe Favour ſuch Judgment was given, may bring an Action of Debt for the Recovery of the Sum due thereon, at any Time within five Years after ſuch Removal; which Action may be brought before an Aſſiſtant or Juſtice of the Peace, if the Debt or Damage recovered and due doth not exceed *Ten Pounds*; and the original Record or a Copy thereof atteſted by the Perſon who gave the Judgment, or any Aſſiſtant or Juſtice of the Peace, ſhall be ſufficient Evidence of ſuch Judgment; in which Caſe no Appeal ſhall be allowed.

When the aſſiſtant or juſtice before whom judgment is had, is removed before execution had, &c. how to proceed.

That in any Action wherein Bond for Proſecution is not given at the Commencement thereof, the Court, Aſſiſtant or Juſtice of the Peace before whom the ſame is brought, ſhall on Motion of the Defendant, and ſatisfactory Proof that the Plaintiff is unable to pay a Bill of Coſt, if recovered againſt him, order the Plaintiff to give Bond with ſufficient Surety, to proſecute his Action to Effect, and pay all Damage in Caſe he make not his Plea good, before proceeding to Trial of the ſame; and if the Plaintiff refuſe or neglect to give ſuch Security, his Action ſhall be non-ſuit.

Bond for proſecution may be required if the plaintiff is unable to pay coſt, &c.

*And for preventing trivial and vexatious Suits*;

*Be it further enacted by the Authority aforeſaid*, That in Actions of Treſpaſs, Aſſault and Battery, and Treſpaſs upon the Caſe which ſhall be hereafter

Actions of treſpaſs, &c. when under 40s.

after commenced or proſecuted in any County or Superior Court in this State, (except only where the Title, or Inheritance, or Intereſt of Lands or freehold Eſtate is the principal Matter in Queſtion on the Trial of ſuch Caſe) if the Damage is therein found, by Verdict of a Jury or otherways, to be under *Forty Shillings* lawful Money, the Plaintiff ſhall recover no more Coſts than Damages; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Proviſo.

*Provided neverthelefs*, That when the Defendant in any of the Actions aforeſaid, ſhall remove ſuch Action by Appeal from an Aſſiſtant or Juſtice of the Peace, to the County Court, or from the County Court to the Superior Court, the Plaintiff on his recovering final Judgment againſt the Defendant ſhall recover his full Coſts of Suit; any Thing in this Act to the contrary notwithſtanding.

## An Act againſt, and for the Puniſhment of Adultery.

Adultery how puniſhed.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That whoſoever ſhall commit Adultery with a married Woman, and be thereof convicted before the Superior Court, both of them ſhall be ſeverely puniſhed, by Whipping on the naked Body, and ſtigmatized, or burnt on the Forehead with the Letter *A*, on a hot Iron: And each of them ſhall wear a Halter about their Necks, on the outſide of their Garments, during their Abode in this State, ſo as it may be viſible: And as often as either of them ſhall be found without their Halters, worn as aforeſaid, they ſhall, upon Information and Proof of the ſame, made before an Aſſiſtant or Juſtice of the Peace, be by him ordered to be whipt, not exceeding thirty Stripes.

## An Act relating to Alarms.

Penalty for cauſing a falſe alarm.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon or Perſons in this State, (without juſt and neceſſary Occaſion ſo to do) ſhall cauſe any Alarm, by firing any Gun or Guns, or otherwiſe, in any Town or Plantation in this State, at any Time between the ſhutting in of the Evening, and break of Day, and ſhall thereof be legally convicted, ſhall each of them pay a Fine of *Four Pounds* to the public Treaſurer of the County where ſuch Conviction ſhall be made; or ſuffer two Months Impriſonment.

Proviſo.

*Provided*, The Delinquency be complained of, and proſecuted within ſix Months after the ſame is committed.

## An Act for the more eaſy and effectually finiſhing of Controverſies by Arbitration.

Controverſies by arbitrators how managed.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Merchants and others deſiring to end any Controverſy (for which they have no other Remedy but a perſonal Action, or Suit in Equity) by Arbitration, may agree that their Submiſſion of the Suit to the Award or Umpirage of any Perſons, ſhall be made a Rule of any of the Superior or County Courts, which the Parties ſhall chooſe, and may inſert ſuch their Agreement in their Submiſſion, or the Condition of the Bond, or Promiſe; and on producing an Affidavit of ſuch Agreement, and upon reading, and filing the ſame in the Court

ſo

ſo choſen, the ſame may be entered of Record in ſuch Court, and a Rule of Court ſhall be thereupon made that the Parties ſhall ſubmit to, and finally be concluded by ſuch Arbitration, or Umpirage, and on the Award of ſuch Arbitrators being returned into the Court ſo choſen, in Caſe of Diſobedience of either Parties, the ſaid Court may grant Execution to levy, and collect the Sum awarded by ſaid Arbitrators, with Coſt.

Merchants, or others may end controverſies by arbitration, if appearing before any ſuperior or county court, &c.

*And be it further enacted by the Authority aforeſaid*, That if any Merchant, or other Perſon deſiring to end any Controverſy, as aforeſaid, by Arbitration, ſhall perſonally appear before any Superior, or County Court, and acknowledge before ſuch Court, that they have mutually agreed to refer all their matters of Difference, or any particular Thing to the Arbitrement of certain Perſons by them agreed on, naming the Perſons ſo choſen, and deſiring the ſame may be made a Rule of Court; the ſame may be entered of Record: And a Rule of Court ſhall be thereupon made that the Parties ſhall ſubmit to, and finally be concluded by ſuch Arbitration, or Umpirage, and on the Award of ſuch Arbitrators being returned into the Court ſo choſen, in Caſe of Diſobedience of either Party thereto, the ſaid Court may grant Execution in due Form of Law, and levy and collect the Sum, ſo awarded, to be paid with Coſt.

When any perſonal action ſhall be commenced, the parties to, &c.

*And be it further enacted by the Authority aforeſaid*, That when any perſonal Action ſhall be commenced, the Parties in ſuch Action deſiring to refer the ſame, on each Party's chooſing a Man, the Court may appoint a Third, whoſe Award being by ſaid Referrees, or any two of them made, and returned into ſuch Court, and by them accepted, ſhall be a final End of ſuch Controverſy, and the ſaid Court ſhall grant Execution thereon according to the Award of ſuch Referrees, with Coſt.

## An Act concerning Arreſts and Impriſonment.

No Man's perſon to be impriſoned for debt, &c. in caſe, &c.

*BE it Enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Man's Perſon ſhall be arreſted and impriſoned for any Debt, Damage, or Fine, where ſufficient Means of Satisfaction can otherwiſe lawfully be found, from his Eſtate, to be ſhewn and preſented by him; but if no ſuch Satisfaction can be found, his Perſon may be arreſted and impriſoned: Where he ſhall be kept at his own Charge, 'till Satisfaction be made; unleſs the Court that hath Cognizance of the Cauſe, ſhall otherwiſe determine and order.

Proviſo.

*Provided nevertheleſs*, That no Perſon or Perſons for the non-payment of Rates, Fines, Debts, or for any Crime or Offence, ſhall be committed to Priſon, without a Mittimus granted and ſigned by Civil Authority; declaring the Cauſe and Ground of his Commitment, requiring the Goaler, Maſter, or Keeper of the Priſon to receive and keep ſuch Perſon or Perſons within the Priſon, until diſcharged according to Law: Unleſs where any proper Officer for want of Eſtate, ſeize the Body or Bodies of any Perſon or Perſons by Execution or Diſtreſs, or Warrant for Fines or Rates, and commit him or them to Priſon; in which Caſe a Copy of the Execution or Diſtreſs, atteſted and ſigned by ſuch Officer, and delivered to the Goaler, Maſter, or Keeper of the Priſon, ſhall be a ſufficient Warrant or Order for him to receive ſuch Perſon or Perſons; and him or them to hold in ſafe Cuſtody 'till delivered by Law.

Debtor to ſatisfy the debt by ſervice, in caſe, &c.

And if no other Means can be found to pay the Debt for which ſuch Debtor is impriſoned, the Debtor ſhall ſatisfy the ſame by Service, if the Creditor deſire it, and the Court ſhall judge it reaſonable; in which Caſe the Superior or County Court ſhall have Power to order and diſpoſe of ſuch

Debtor in Service, for the Purpoſe aforeſaid, to ſome Inhabitant of this State, whether the Execution by which he is held iſſued from ſuch Court or not.

*Provided always*, That no Court in this State ſhall, in any Civil Caſe, aſſign or diſpoſe of any Perſon in Service, until ſuch Court is ſatisfied by the Oath of the Parties or otherways, that ſuch Debtor hath not Eſtate ſufficient to pay the Debt for which he is holden by Execution, except ſuch Neceſſaries as are by Law exempted from being taken by Execution; and the Debt for which he is holden is really and *bona fide* due, on good Conſideration.

Proviſo.

## An Act concerning Attachments.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when any Eſtate real or perſonal, is attached by Virtue of a Writ of Attachment in any Civil Action, the Officer who ſerves the ſame, ſhall leave with the Perſon whoſe Eſtate is ſo attached, or at the Place of his uſual Abode, if within this State, a true and atteſted Copy of the Writ, and of his Return, deſcribing the Eſtate by him attached, thereon. And when any real Eſtate is taken, the Officer ſerving the Writ, ſhall leave a true and atteſted Copy thereof, and a Deſcription of the Eſtate taken, at the Town Clerk's Office, in the Town where the Eſtate lies; and until the Service is ſo compleated, the Eſtate ſo attached, ſhall not be held by ſuch Attachment, againſt any other Creditor or *bona fide* Purchaſer, unleſs ſuch Copy is left in Service, within ſeven Days next after attaching the Eſtate, and before the Time limited by Law for the Service of ſuch Writ is expired.

Any eſtate being attached, copy to be left.

If real eſtate is taken, copy to be left with the town clerk

*And be it further enacted by the Authority aforeſaid*, That no Eſtate attached as aforeſaid, ſhall be held to reſpond the Judgment obtained by the Plaintiff at whoſe Suit the ſame is attached, either againſt the Debtor, or any other Creditor, unleſs ſuch Judgment Creditor take out Execution on ſuch Judgment, and have the ſame levied on Goods or perſonal Eſtate, within ſixty Days after final Judgment, or on real Eſtate, and the ſame have appraiſed and recorded within four Months after ſuch Judgment obtained: or if ſaid Goods or Eſtate are incumbered by any prior Attachment, the Execution be levied as aforeſaid within the reſpective Times aforeſaid, after ſuch Incumbrance is removed.

Eſtate attached, not to be held, unleſs, &c. within four months.

And that when the Body of any Perſon is attached, and for want of Bail is committed to Priſon, the Perſon ſo committed ſhall not be holden in Priſon by Virtue of ſuch Attachment, for a longer Time than five Days after the riſing of the Court in which final Judgment in ſuch Caſe ſhall be rendered: And in Caſe no Execution ſhall be taken out upon ſuch Judgment, and levied upon the Perſon of ſuch impriſoned Debtor, within five Days as aforeſaid, the Keeper of the Goal, upon his Fees being paid, may not hold ſuch Priſoner any longer by Virtue of ſaid Commitment; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Execution to be levied within five days, or priſoner not to be held.

[This Act was paſſed in October, One thouſand ſeven hundred and ſeventy.]

## An Act for the Appointment and regulating Attornies.

*For the well-ordering Proceedings and Pleas at the Bar:*

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the County Courts in the reſpective Counties in this State, ſhall appoint, and they are hereby impowered

impowered to approve of, nominate and appoint Attornies in their reſpective Counties, as there ſhall be occaſion, to plead at the Bar: Which Attornies ſhall, before ſuch Court, take the Oath by Law provided for Attornies: The Adminiſtration and taking of which Oath, together with the ſaid Appointment, ſhall be regiſtered by the Clerk of the ſaid Court and be a ſufficient Evidence of his Admiſſion as an Attorney at the Bar.

The county courts to appoint attornies in their reſpective counties.

And that no Perſon (except in his own Caſe) ſhall be admitted to make any Plea at the Bar in any Court, but ſuch as are allowed and qualified Attornies, aforeſaid.

No perſons to plead at the bar, except.

And whoſoever ſhall tranſgreſs the Rules of Pleading, appointed by any Court, ſhall be liable to ſuffer ſuch Fine for every ſuch Offence, as the ſaid Court ſhall impoſe; not exceeding the Sum of *Five Shillings*.

Tranſgreſſors of the rules fined.

And that in all Actions wherein the Title of Land is not concerned, and the Demand is not above *Ten Pounds*, there ſhall be allowed but one Attorney on a Side, to plead at the Bar: But in all other Caſes there ſhall be allowed to each Party two Attornies to plead at the Bar; and no more.

When two attornies are to be allowed.

And the Fees of ſuch Attornies ſhall be as ſtated in the Table of Fees: And the Party that ſhall recover Judgment, ſhall have his Attorney's Fees according to the above Regulation, allowed as Part of Coſt of Trial.

Their fees as in the table of fees.

*And it is further enacted by the Authority aforeſaid*, That in each County in this State, there ſhall be one State Attorney, who ſhall proſecute, manage and plead in the County where ſuch Attorney is appointed, in all Matters proper for, and in behalf of the State. Which Attornies ſhall alſo be appointed by the reſpective County Courts.

State attorney appointed in each county.

And that the ſeveral Attornies, who ſhall be allowed and appointed as aforeſaid, ſhall from Time to Time, be under the Directions of the Courts before whom they plead; who upon juſt Reaſon, ſhall and may diſplace, and wholly ſuſpend any of ſaid Attornies, or fine them, as is before in this Act provided.

The courts power to diſplace attornies, &c.

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## An Act relating to Auditors and Actions of Account.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when any Defendant in any Action of Account, depending in any Superior or County Court in this State, ſhall plead in his Defence any Plea (which being true he ought not to account), it ſhall be tried by a Jury, if either Party deſire it: And in Caſe the Iſſue be found againſt the Defendant by the Jury or otherwiſe, the Court ſhall enter Judgment againſt him that he ſhall account: And thereupon ſhall appoint three able, judicious and diſintereſted Men, Auditors in ſuch Caſe; who ſhall be ſworn to hear, examine and adjuſt the Account or Accounts: And the Auditors appointed as aforeſaid, are hereby authorized and impowered to appoint Time and Place for the hearing and adjuſting the Accounts aforeſaid.

Actions of account how proceeded with.

And upon the Defendant's Refuſal (due Notice being given him of the Time and Place appointed) to attend upon them and produce his Accounts, the Auditors ſhall award to the Plaintiff the Whole of his Demand; and upon the Parties producing to them their Accounts, the Auditors ſhall have Power to adminiſter an Oath unto them to anſwer to ſuch Interrogatories as they ſhall think proper, reſpecting their Accounts: And upon either of the Parties Refuſal to take ſuch Oath, or to anſwer directly to ſuch Interrogatories, it ſhall be in the Power of the Auditors to commit the Party ſo refuſing to Gaol; there to remain at his own Charge, until he will account or anſwer as aforeſaid.

Defendant's refuſal to appear, plaintiff to recover his whole demand.

On return of auditors, final judgment to be given.

And when the Auditors have adjuſted the Accounts, or awarded as aforeſaid, and returned the ſame to the Court, (either at the ſame Seſſion or the next) that final Judgment ſhall be made up for the Recovery of the Sum awarded and the Coſts, together with ſuch reaſonable Coſts for the Service of the Auditors, as the Court ſhall award; which ſhall be by the Party in whoſe Favour the Cauſe is determined, then paid down to the Auditors; and ſhall be allowed him in his Bill of Coſts.

Like remedy in actions on book, if above 5l.

*And be it further enacted*, That in all Actions brought on Book Accounts, if the Account be alledged to be above *Five Pounds*, the like Method may be taken in appointing Auditors for the Adjuſtment of the Accounts between the Parties; and whoſoever ſhall be awarded by them to be in Arrears, the Court ſhall enter up Judgment for the ſame, with additional Coſts as aforeſaid.

Action of account between executors, &c.

*And be it further enacted by the Authority aforeſaid*, That Executors who are alſo reſiduary Legatees, when all or any Part of their Legacies are with-holden from them by their Co-executors, may bring their Action of Account againſt their Co-executors for the Recovery thereof: And the like Action is alſo hereby allowed to reſiduary Legatees againſt Executors.

Alſo,

Between joint tenants, &c.

That when two or more Perſons have and hold any Eſtate or Intereſt, in Common, as Joint-Tenants, Tenants in Common, or Co-parceners, and one or more of the Owners of ſuch Common-Intereſt, ſhall take, receive, uſe, or take Benefit of, ſuch Common Intereſt in greater Proportion than his or their Intereſt in the principal Eſtate, ſuch Owner or Owners, his or their Executors and Adminiſtrators, ſhall be liable to render his or their reaſonable Account, for ſuch his or their taking, uſe and profit of ſuch Common-Intereſt and Eſtate, to his or their Fellow-Commoner or Commoners, jointly or ſeverally; and that ſuch their Fellow-Commoner or Commoners, or any or either of them, their Executors or Adminiſtrators, may and are hereby enabled to have his or their Action of Account againſt ſuch Receiver or Receivers, or either of them, as their Bailiffs for receiving more than their Part or Proportion as aforeſaid.

No appeal.

And no Appeal ſhall be allowed from any Judgment given on an Award of Auditors.

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## An Act for regulating and auditing the public Accounts.

*FOR preventing Inconveniences in the public Accounts, and that no Arrears in the State's Accounts be ſtanding out after the Year be expired.*

Auditors to be annually appointed in October, &c.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That meet Perſons ſhall by this Court be appointed annually in *May*, to make up and audit the State's Accounts with the Treaſurer; which Accounts ſhall be audited and perfected before the ſitting of the General Court in *October* yearly. And all ſuch Perſons as ſhall be appointed to audit ſaid Accounts, ſhall before their entering upon that Service, take the Oath provided by Law for ſuch Auditors.

Treaſurer's duty.

And the Treaſurer is hereby obliged to make himſelf Debtor for the ſeveral Sums due from every of the Towns in this State, and alſo for all Fines belonging to the State Treaſury; and ſo for the whole Rate or Sum Total ariſing, by bringing the ſeveral particular Sums into one intire Sum; and to bring in Credit (according to Law) until he ſhall conſummate and perfect the State's Account as aforeſaid.

And

And this the ſaid Treaſurer ſhall do annually, on the Penalty of *Twenty Pounds*, to be forfeited to this State, for every Month after the Month of *September* annually, that he ſhall neglect to make up and perfect the ſaid Accounts, and pay according to the Order of this Court, ſuch Sum or Sums as remain due.

Penalty on the treaſurer.

And the Treaſurer of each reſpective County in this State, ſhall annually make himſelf Debtor for all Fines and other Monies belonging to the County whereof he is Treaſurer, and alſo make a fair Account of his Payments, how he hath diſpoſed of them. And the Accounts of each County Treaſurer ſhall be annually audited and perfected by the Judge and Juſtices of the County Courts reſpectively, and their reſpective Treaſurers.

County treaſurer's daty.

*And be it further enacted by the Authority aforeſaid*, That the Secretary of this State, and the Clerk of the Superior Court, ſhall annually render an Account to the Treaſurer of this State, of all the Fines and Forfeitures due to the public Treaſury, appearing by the Records in their reſpective Offices, that the ſame may be collected and paid into the Treaſury, for the Uſe of the State; and ſhall in like Manner render an Account to the Treaſurer, of all Fees by them reſpectively received for the Uſe of the State, and pay into the Treaſury what ſhall be due thereon: And they ſhall likewiſe ſeaſonably tranſmit a Copy of their ſaid Accounts annually, to the Auditors appointed to audit the Treaſurer's Accounts: And the Secretary ſhall alſo tranſmit to ſaid Auditors an Account of all the Treaſurer's Receipts for Money paid into the Treaſury, that ſhall be lodged with him.

Secretary to ſettle his accounts annually with the treaſurer.

## An Act concerning Bail, in civil and criminal Caſes.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That it ſhall be the Duty of every Sheriff, Deputy-Sheriff and Conſtable in this State, to take ſufficient Bail when offered by any Perſon by them arreſted or held in Cuſtody on mean Proceſs, in any Civil Action, which Bail ſhall be one or more ſubſtantial Inhabitants of this State, of ſufficient Ability to reſpond the Judgment that may be recovered in the Caſe, who ſhall become bound to the ſaid Officer in a ſufficient Sum, conditioned for the Appearance of the Perſon ſo arreſted, before the Court to which ſuch Writ is made returnable; and the Perſon arreſted ſhall be thereupon liberated from ſuch Arreſt.

Bail how and when taken.

That no Defendant whoſe Perſon has been attached and let to Bail as aforeſaid, ſhall be admitted to appear and plead or defend in ſuch Action, until he hath in Court, given ſpecial Bail, with ſufficient Sureties as aforeſaid, for his abiding the final Judgment that ſhall be given in the Cauſe; if the Plaintiff require the ſame.

Not to plead without ſpecial bail.

That in either of the Caſes aforeſaid, every ſuch Surety or Sureties ſhall be obliged to ſatisfy the Judgment in Caſe of the Principal's Avoidance, and a Return of *Non eſt Inventus* on the Execution; unleſs ſuch Surety, at or before the Time of entering up final Judgment, do bring the Principal into Court, and move to be diſcharged; upon which the Court ſhall order the Keeper of the Gaol to receive him into Cuſtody, that his Body may be taken on the Execution.

When the ſurety is liable, &c.

And the Party for whom the Judgment is given, may have a Writ of *Scire Facias* out of the Court, againſt ſuch Surety or Sureties; and in Caſe no juſt Cauſe is ſhewn to the contrary, the Judgment rendered againſt ſuch Principal ſhall be affirmed againſt ſuch Surety or Sureties, with additional Coſt of Suit, and Execution be granted accordingly.

*Scire Facias* againſt the ſurety.

*Always*

Proviſo.

*Always provided*, That ſuch Writ of *Scire Facias* or other Proceſs on the Bond, be taken out and ſerved upon the Surety or Sureties, within twelve months after the ſaid final Judgment, and not afterward.

Surety's action againſt the debtor.

And every Surety of whom ſuch Recovery is made, may bring his Action for the Recovery of Damages againſt the principal Debtor.

Officer liable for inſufficient bail, &c.

And no Recovery ſhall be had againſt the Officer who ſerved the Attachment or took the Bail, unleſs he ſhall have taken inſufficient Bail, or ſhall refuſe to let the Plaintiff have the Bail Bond, that he may have Remedy thereon agreeable to this Act.

Scire Facias.

And in Caſe of Bond given for the Proſecution of any Action or Appeal, the Surety or Sureties ſhall be liable to ſatisfy the Coſt that ſhall be recovered againſt the Principal, if Satisfaction cannot be had out of the Eſtate of the Principal; which may be recovered on *Scire Facias*, as aforeſaid, or Action on the Bond. And no Security given to proſecute an Appeal, ſhall exonerate the ſpecial Bail in the Caſe.

## An Act concerning Ballaſt.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Ballaſt ſhall be taken from any common Shore in any Town within this State, by any Perſon whatſoever (except the ſame be his own Property) without Permiſſion under the Hands of two of the Select-men of ſuch Town, upon Penalty of forfeiting *Twenty Shillings* for every Ton ſo taken.

Ballaſt not to be taken, &c. without permiſſion.

Penalty for caſting out ballaſt, &c.

And that no Perſon belonging to any Ship or other Veſſel, ſhall caſt out any Ballaſt into any Channel or other Place, that will obſtruct or incommode the Navigation in any River or Harbour within this State, upon Penalty of forfeiting *Five Pounds*. Any two Aſſiſtants or Juſtices of the Peace ſhall have Power to hear and determine all Breaches of this Act. The Fines aforeſaid ſhall belong to the Treaſury of the Town where the Offence is committed.

## An Act for deſtroying Barberry-Buſhes.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That any Perſon or Perſons whatſoever, with Advice and Conſent of the Civil Authority and Select-men of the Town where any Barberry-Buſhes are or may be growing, may, in the Months of *March*, *April*, *October* and *November*, enter into and upon any Lands whereon ſhall be growing any Barberry-Buſhes, and dig up and deſtroy ſuch Buſhes, without being liable to any Action, Suit or Damage therefor; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Barberry-buſhes how and when to be deſtroyed.

## An Act againſt Barratry and common Barrators.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon ſhall be proved and adjudged a common Barrator, vexing others with unjuſt, frequent and needleſs Suits, he ſhall pay a Fine of *Five Pounds* into the public Treaſury of this State, by Order of the Court before whom he ſhall be convicted; and before the ſame Court he ſhall become bound, with one Surety, for his good Behaviour (for one Year at leaſt); or on Refuſal, be committed to remain in Priſon ſaid Time, or 'till he procure Surety, as aforeſaid.

Penalty for Barratry 5l.

And-

And the Court before whom ſuch vexatious Suit ſhall be brought, may, and is hereby impowered to reject ſuch Suit, giving Coſt to the adverſe Party.

## An Act concerning Baſtards and Baſtardy.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That he who is accuſed by any Women, to be the Father of a baſtard Child, begotten of her Body, ſhe continuing conſtant in ſuch Accuſation (being examined upon Oath, and put to the Diſcovery of the Truth in the Time of her Travail) ſhall be adjudged the reputed Father of ſuch Child, notwithſtanding his Denial thereof, and ſhall ſtand charged with the Maintenance thereof, with the Aſſiſtance of the Mother, as the County Court in that County in which ſuch Child is born ſhall Order; and give Security to perform ſuch Order, and alſo to ſave the Town or Place where ſuch Child is born free from Charge for its Maintenance: And the ſaid Court may commit to Priſon ſuch reputed Father, until he find Sureties for the ſame: Unleſs the Proofs, Evidences and Pleas made and produced on the Part and Behalf of the Man accuſed as aforeſaid, and other Circumſtances be ſuch as the Court who have Cognizance of the ſame ſhall ſee Reaſon to judge him innocent, and acquit him thereof; in which Caſe they ſhall and may otherwiſe diſpoſe of ſuch Child.

*He who is accuſed by a woman to be the father of her baſtard child (being examined under oath) he to be charged with the maintainance;*

*Unleſs, &c.*

And every Aſſiſtant or Juſtice of the Peace, (upon his Diſcretion) may bind to the County Court, him that is charged with begetting ſuch baſtard Child: And if the Woman be not then delivered, the ſaid County Court may order the Continuance or Renewal of his Bond, that he may be forth coming when ſuch Child is born.

*Aſſiſtant or juſtice may bind to court.*

*And be it further enacted by the Authority aforeſaid*, That the Select-men of any Town intereſted in the Support of ſuch baſtard Child, (where ſufficient Security ſhall not be offered, to ſave ſaid Town from all Charge and Expence for the Support of ſuch Child or Children) and the Woman omits to bring forward her Suit to recover Maintenance, may bring forward a Suit in Behalf of ſuch Town againſt him who ſhall be accuſed of begetting ſuch Child; and may alſo take up and purſue any Suit begun by the Mother of ſuch Child, for Maintenance thereof, in Caſe ſhe ſhall fail to proſecute the ſame to final Judgment.

*Select-men to proſecute in caſe, &c.*

## An Act to prevent the taking and uſing Boats and Canoes, without Leave of the Owner.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That whoever ſhall take and uſe any Kind of Boat, or Canoe belonging to any other Perſon, other than ſuch as ſhall be taken up going a-drift, and looſe from any ſhore, or found when driven away and loſt, without Liberty from the Owner or Owners thereof, ſhall for every ſuch Offence, forfeit and pay to the Owner or Owners thereof, the Sum of *Six Shillings*, over and above the Damages ſuch Owner or Owners ſhall ſuſtain by his or their Boat or Canoe being taken and uſed as aforeſaid, to be recovered by an Action of Debt.

*Penalty for taking and uſing boats.*

## An Act for regulating the Aſſize of Bricks.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Length of all

Bricks,

Bricks length, &c. Bricks, made within this State, ſhall be full eight Inches; and their Breadth four Inches; and their Thickneſs two Inches.

Mould to be ſhod. And the upper Side of every Mould uſed to make Bricks in, or that Side on which they are ſtruck, ſhall be ſhod, or plaited with Iron.

Forfeiture. And whoſoever ſhall put up to Sale any Bricks that are not made according to this Act, ſhall forfeit all ſuch Bricks, or the full Value thereof: One Half to the Complainer, and the other Half to the Treaſury of the County wherein the Offence is committed.

## An Act for aſcertaining the Bounds of Towns, and the Lands of particular Perſons.

Preamble. *Foraſmuch as the Bounds of Towns, and the Lands of particular Perſons are and ought carefully to be maintained, kept up, and rendered manifeſt and certain:* Therefore,

Towns to have their bounds ſet out. BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That every Town in this State ſhall procure their Bounds to be ſet out; which ſhall be done by ſuch Marks and Boundaries as may be a plain Direction for the future: Which Marks and Boundaries ſhall be a great Heap of Stones, or a Ditch of ſix Feet long, and two Feet and Half wide, of ordinary Depth, at every Corner of the Townſhip; and in the Lines drawn, or running from Corner to Corner, one ſuch Mark at leaſt, in every eighty Rods.

Towns to renew their bounds. And when their Bounds are carefully ſet out as aforeſaid, two or more Perſons ſhall by the Select-men of each Town, be appointed to renew the Bounds between their Towns, at leaſt once in every Year, either in the Month of *March*, *April*, *October* or *November*, upon Penalty of *Four Pounds* Forfeiture, to be incurred by every Town who ſhall neglect the ſame; the one Half of which Forfeiture ſhall be to the Uſe of the neighbouring Town with whom they do refuſe or neglect to join in Perambulation, or renewing the Marks, and the other Half to the County Treaſury.

Penalty for neglect.

Notice how given. And the Select-men of the moſt ancient Town, are to give Notice to the Select-men of the next adjacent Towns, of the Time and Place of their Meeting for ſuch Perambulation, ſix Days beforehand.

Charges how paid. And the Perſons appointed for ſuch Perambulation, ſhall go in their ſeveral Quarters, by Order of the Select-men, at the Charge of the reſpective Towns which ſend them.

Proprietors of land to ſet up meer-ſtones. *And be it further enacted by the Authority aforeſaid,* That all particular Proprietors and Owners of Lands lying unfenced, or in a Common Field with others, ſhall bound every Parcel thereof with ſufficient Meer-Stones of eighteen Inches long at leaſt, whereof ſix Inches ſhall be above Ground; and ſhall preſerve and keep them ſo, upon Penalty of forfeiting *Ten Shillings* for every Month in which they are not ſo kept.

Penalty on proprietors for neglecting to renew their bounds. And if any particular Proprietor of Lands lying in Common as aforeſaid, ſhall refuſe to go by himſelf, (or his Agent) to renew and perambulate the Bounds between his Lands, and the Land of thoſe whoſe land lieth next to the ſame, once a Year, in the Months of *March* or *April*; or elſe of *October* or *November*, being requeſted thereunto by the adjoining Proprietor, upon one Week's Warning, he ſhall forfeit for every Day's Neglect after ſuch Warning, the Sum of *Five Shillings*: Half to the Party complaining and proſecuting; the other Half to the Town Treaſury.

Proviſo. Provided, All Breaches of this Act be complained of and proſecuted to the next County Court in that County.

## An Act relating to Bridges.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the Inhabitants of the ſeveral Towns in this State, ſhall make, build, keep and maintain in good and ſufficient Repair, all the needful Highways and Bridges within their reſpective Townſhips; unleſs it belongs to any particular Perſon or Perſons to maintain ſuch Bridge in any particular Caſe.

Towns to make and maintain their own bridges, &c.

And when it is neceſſary to build a Bridge a-croſs any River, which is the Boundary or dividing Line between any Towns, it ſhall be the Duty of the Inhabitants of ſuch Towns, to build and keep in good Repair all ſuch Bridges; and each Town ſhall pay an equal Part of the Expence of building and repairing the ſame.

Bridges in the dividing line of towns, by whom to be built, &c.

And that if it ſhall ſo happen at any Time, that any Perſon ſhall loſe his Life, through the Defect or Inſufficiency of any Bridge or High-way in any Townſhip in this State, in paſſing over any ſuch Bridge or High-way, after due Warning given unto any of the Select-men of the Town in which ſuch defective Bridge or High-way is, or to the Perſon who ought to maintain the ſame, in Writing under the Hand of two Witneſſes, or a Preſentment made to the County Court of the County in which ſuch Town is, of ſuch defective Ways or Bridges; that then the Town, or Perſon which ought to ſecure and keep in ſufficient Repair, ſuch Ways or Bridges, ſhall pay a Fine of *One Hundred Pounds*, to the Parents, Huſband, Wife, or Children, or next of Kin to the Perſon deceaſed.

When life is loſt thro' defect of bridges, Towns to be fined, &c.

And if it ſhall ſo happen that any Perſon ſhall loſe a Limb, break a Bone, or receive any other Bruiſe or Breach in any Part of his Body, through, or by Means of ſuch Defect aforeſaid, the Town or Perſon through whoſe Neglect ſuch Hurt is done, ſhall pay to the Party ſo hurt or wounded, double Damages.

Alſo to pay double damages in caſe of loſs of limb, &c.

And the like Satisfaction ſhall be made for any Team, Cart, or Carriage-Horſe, or other Beaſt or Loading, to the Owner thereof, in Proportion to the Damage ſuſtained as aforeſaid. All which Forfeitures and Damages to be recovered by Action, Bill, Plaint or Information.

Like ſatisfaction to be made for teams, &c.

*And that ſuch Bridges and Paſſages in Towns, may more effectually be kept in ſufficient Repair, and ſuch Damages prevented:*

*Be it further enacted by the Authority aforeſaid*, That upon the Complaint of any ſuch Town or Perſon, to any Aſſiſtant or Juſtice of the Peace, ſuch Authority ſhall be, and they are hereby reſpectively fully impowered, to iſſue a Warrant to the Conſtable, to impreſs ſuch Workmen in their Townſhip as ſhall be needful to ſecure and repair ſuch defective Bridge or Paſſage: Which Workmen ſhall be paid by the Town, or Perſons to whom ſuch Bridge and Paſſage do belong to maintain.

Aſſiſtant or juſtice to grant warrant to impreſs men to repair bridges, &c.

And when the Inhabitants of any Town, ſhall neglect or refuſe to build or repair any Bridge a-croſs a River in a public High-way within the Bounds of ſuch Town, or any Towns ſhall not agree to build or repair any Bridge a-croſs a River that is the dividing Line between ſuch Towns, whereby the public Travelling is obſtructed or incommoded; on Complaint thereof to the County Court by any Perſon or Perſons, ſaid Court is hereby impowered and directed (by a Committee or otherwiſe) to enquire into the public Neceſſity and Conveniency of building and maintaining ſuch Bridge, cauſing due Notice to be given to one or more of the Select-men of ſuch Town or Towns, to ſhew Reaſon (if any they have) why they ſhould not be compelled to make or repair ſuch Bridge; and if no ſufficient Reaſon be ſhewn to the contrary, (and ſuch Town or Towns do not undertake and build, or repair ſuch Bridge within ſuch Time as the Court ſhall direct,)

What method to be taken, when any town refuſes to build or repair bridges in the dividing line, &c.

Expence how paid.

ſaid Court may appoint ſome ſuitable Perſon or Perſons to build or repair ſuch Bridge; which being done, and the Expence thereof being liquidated and allowed by ſaid Court, the ſame ſhall be paid by the Inhabitants of the Town or Towns, whoſe Duty it was to have made and maintained ſuch Bridge; and Execution may be granted againſt them therefor accordingly.

## An Act relating to Briefs.

Briefs to be under the direction of governor & council.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Briefs craving the charitable Contributions of the People, in any of the Towns or Societies in this State, ſhall be read or attended in any of the ſaid Towns or Societies, without it have the Allowance of the Governor and Council, and be by them directed into what Towns or Congregations it ſhall paſs; (unleſs it be on ſome ſpecial Occaſion, for any diſtreſſed or afflicted Perſon of their own Inhabitants) upon Penalty of the Forfeiture of *Five Pounds*, for every Perſon that ſhall read and publiſh any ſuch Brief, not allowed and directed as aforeſaid; to be recovered of ſuch Offender, by Bill, Plaint, or Information, in any Court of Record: One Third of which Penalty or Forfeiture ſhall be to him that ſhall inform and proſecute to Effect; and the other two Thirds to the County Treaſury.

## An Act for the Puniſhment of Burglary and Robbery.

Burglary and robbery, attended with violence, &c.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall commit Burglary, by breaking up any Dwelling-Houſe or Shop, wherein Goods, Wares and Merchandize are depoſited; or ſhall commit Robbery, by robbing any Perſon in the Field or Highway; if in the Perpetration of ſaid Crimes, the Perſon or Perſons committing the ſame, ſhall be guilty of any perſonal Abuſe, Force or Violence; or ſhall be ſo armed with any dangerous Armour or Weapon, as clearly to indicate their violent Intentions; ſuch Perſon or Perſons, found guilty as aforeſaid, and being thereof convicted before the Superior Court, ſhall ſuffer Death.

puniſhed with death.

When not attended with terror, &c. how puniſhed.

And if upon the Trial for any of the Crimes aforeſaid, the Commiſſion thereof ſhall not appear to be attended with the aggravated Circumſtances of perſonal Terror, Force and Violence as aforeſaid, the Perſon or Perſons found guilty of ſaid Crime of Burglary or Robbery, ſhall be puniſhed with whipping on the naked Body, not exceeding forty Stripes, and with Impriſonment in any of the Goals or Work-houſes in this State, there to be kept to hard Labour, not exceeding ten Years, at the Diſcretion of the Superior Court before whom the Conviction is had. And if any Perſon ſhall be convicted a ſecond Time for the Offence of Burglary or Robbery, he ſhall ſuffer Death.

Second offence, death.

## An Act for aſcertaining the Aſſize of Caſks; and preventing Fraud in packing of Beef, Pork and Fiſh, for Sale.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the ſeveral Sorts of Caſks uſed in this State, for Liquor, Beef, Pork, Fiſh, or other Commodities

dities, ſhall be of the Aſſize following, *to wit*, Butts to contain One hundred and Twenty-ſix Gallons; Puncheons, Eighty-four Gallons; Hogſheads, Sixty-three Gallons; Barrels, Thirty-one Gallons and an Half; Tierces, Forty-two Gallons; and that all ſuch Casks ſhall be made of ſound, well-ſeaſoned Timber, and free from Sap. That the Gallon ſhall contain Two hundred and Thirty-one cubic Inches; and the Contents of each Caſk in this Act expreſſed, ſhall be meaſured, by taking the following Dimenſions in Inches, and decimal Parts of an Inch, *to wit*, the bulge or bung Diameter, each head Diameter, and the Length within the Caſk; and theſe Dimenſions to be computed by the Rule commonly called, and known by the Name of Gunter's Rule of Gauging. Contents of Caſks.

That each Barrel of Pork ſhall contain Two hundred and twenty Pounds, and each Barrel of Beef Two hundred and forty Pounds. Pork.

That the ſeveral Towns in this State, at their annual Town-Meetings, ſhall chuſe ſome fit Perſon or Perſons to be Gaugers, and Packers, who ſhall be ſworn to a faithful Diſcharge of their Office. And the Fee for gauging ſhall be *Eight Pence* per Ton; and for packing each Barrel of Beef, Pork or Fiſh *Six Pence*. Gaugers and Packers.

And every Packer ſhall take Care that all Caſks in which he ſhall pack any Beef, Pork, Fiſh, or other Goods committed to his Care, be good, and of true and full Aſſize, and contain the Weight and Quantity directed by this Act, and that the Proviſions are good and Merchantable, on Penalty of *Five Shillings* for every Caſk that ſhall be deficient. Their duty.

And if any of the before mentioned Proviſions ſhall be packed in half Barrels or Firkins, the Contents ſhall be in Proportion to the Rule aforeſaid, and be marked on the Cask by the Packer. Half barrels in proportion

And whoſoever ſhall ſell any Kind of Liquor uſually ſold by Gauge, in Casks not gauged by the Rule enjoined by this Act, ſhall forfeit and pay a Fine of *Twenty Shillings*. Penalty.

And whoſoever ſhall ſell or ſhip for Sale, any Pork, Beef or Fiſh that is not packed by a Packer duly qualified according to this Act, ſhall forfeit and pay a Fine of *Ten Shillings* for each Barrel ſo by him ſold or ſhipped for Sale as aforeſaid.

And every Gauger and Packer ſhall brand every Cask by him gauged, or in which Proviſions or other Goods are by him packed, with the initial Letters of his own Name, and the Name of the Town to which he belongs. Marked, &c.

And every Cooper ſhall ſet his diſtinct Brand or Mark on his own Cask, on Penalty of *Ten Shillings*. The ſeveral Penalties in this Act ſhall belong one Half to the Informer who ſhall proſecute to Effect, and the other Half to the Treaſury of the Town wherein the Offence is committed. Penalty.

## An Act for the marking of Cattle, Sheep and Swine.

*To prevent Diſputes and Differences that may ariſe in the owning and claiming of Cattle, Sheep and Swine, that may be loſt or ſtray away.*

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all the Owners of any Cattle, Sheep or Swine within this State, ſhall Ear-mark or Brand all their Cattle, Sheep and Swine that are above Half a Year old; and that they ſhall cauſe their ſeveral Marks to be regiſtered in the Town Book. Marks to be regiſtered.

And whatſoever Cattle, Sheep or Swine ſhall be found unmarked and not branded as aforeſaid, the Owners thereof ſhall forfeit *Two Shillings* per Head: One Half thereof ſhall be to the Complainer, and the other Half to the Town Treaſury. Penalty.

## An Act for educating and governing of Children.

Preamble. *Forasmuch as the Education and well Governing of Children is of singular Benefit to a People: And whereas many Parents and Masters are too negligent of their Duty in the Matter:*

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That all Parents and Masters of Children shall, by themselves or others, teach and instruct, or cause to be taught and instructed, all such Children as are under their Care and Government, according to their Ability, to read the English Tongue well, and to know the Laws against Capital Offences: And if unable to do so much, then at least to learn some short orthodox Catechism without Book, so as to be able to answer to the Questions that shall be propounded to them out of such Catechism, by their Parents, Masters, or Ministers, when they shall call them to an Account of what they have learned of that Kind.

Children to be instructed, &c.

And if any Parent or Master shall neglect the performing what is by this Act required of them, every such Parent, or Master being thereof legally convicted before any one Assistant or Justice of the Peace, shall forfeit and pay the Sum of *Twenty Shillings*, to and for the Use of the Poor of the Town whereto they belong.

Penalty on parents, &c. for neglect of duty.

And that the Select-men of every Town in this State, in their several Precincts, and Quarters, shall have a vigilant Eye and Inspection over their Brethren and Neighbours; and see that none of them suffer so much Barbarism in any of their Families, as to want such Learning and Instruction; and to take Care that due Prosecutions be made for the Breach of this Act.

Select-men to inspect, &c.

And the Grand-jury-men in each Town, are hereby required to take Care, and see that what is by this Act required for the Education of Children, be duly performed; and to make Presentment of all Breaches of this Act which shall come to their Knowledge.

Grand-jury to present &c.

*And be it further enacted by the Authority aforesaid,* That all Parents and Masters, shall employ and bring up their Children and Apprentices in some honest and lawful Calling, Labour or Employment, profitable for themselves and the State.

Children to be bro't up to some honest calling, &c.

And if the Select-men of the Town where such Parents or Masters live, after Admonition by them given to such Parents or Masters, shall find them still negligent of their Duty, in the Particulars aforementioned in this Act; whereby such Children grow rude, stubborn and unruly, such Select-men (with the Advice of the next Assistant or Justice of the Peace) shall take, and they are hereby fully authorized and impowered, to take such Children and Apprentices from their Parents or Masters, and place them with, and bind them to some Master or Masters; Males till they are Twenty-one Years of Age, and Females till they are Eighteen Years of Age; to the End they may be suitably instructed, employed and governed: Which binding shall be good and effectual, for the holding and governing such Children, the Terms aforesaid.

Stubborn children to be bound out &c.

And that whatsoever Child or Servant, upon Complaint made, shall be convicted of any stubborn or rebellious Carriage, against their Parents or Governors, before any two Assistants or Justices of the Peace, such Assistants or Justices are hereby authorized and impowered, upon such Conviction, to commit such Child or Servant to a House of Correction; there to remain under hard Labour and severe Punishment, so long as said Authority shall judge meet; who, on the Reformation of such Children and Servants, may order their Release, and return to their Parents or Masters aforesaid.

Stubborn, rebellious children to be sent to a house of correction.

## An Act for enabling Communities to maintain, recover and defend their common Rights, Eſtates and Intereſts.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That it ſhall and may be lawful, for all and every Town, Truſtees for Schools, Proprietors of common and undivided Lands, Grants, and other Eſtates and Intereſt, and all other lawful Societies or Communities whatever, to ſue, commence and proſecute any Suits or Actions, for the maintaining, recovery, or defence of their Grants, Intereſts and Eſtates, in any Court proper to try the ſame; and to appear either by Themſelves, Agents, or Attornies; and in like Manner to defend in all Suits and Actions, as ſhall be brought or commenced againſt them.

Communities how to ſue &c.

And when any ſuch Town, Truſtees, Proprietors, or Society as aforeſaid, ſhall be ſued, it ſhall be ſufficient Notice for them to appear and anſwer, to leave a true and an atteſted Copy of the Writ or Summons, containing ſuch Suit or Action, with their Clerk, or either of the Select-men or Committee-men, twelve Days before the ſitting of the Court where the Caſe is to be heard; as in other Actions is provided.

Notice.

## An Act for ſecuring the Rights of Conſcience in Matters of Religion, to Chriſtians of every Denomination in this State.

*AS the Happineſs of a People, and the good Order of Civil Society, eſſentially depend upon Piety, Religion and Morality, it is the Duty of the Civil Authority to provide for the Support and Encouragement thereof; ſo as that Chriſtians of every Denomination, demeaning themſelves peaceably, and as good Subjects of the State, may be equally under the Protection of the Laws: And as the People of this State have in general, been of one Profeſſion in Matters of Faith, religious Worſhip, and the Mode of ſettling and ſupporting the Miniſters of the Goſpel, they have by Law been formed into Eccleſiaſtical Societies, for the more convenient Support of their Worſhip and Miniſtry: And to the End that other Denominations of Chriſtians who diſſent from the Worſhip and Miniſtry ſo eſtabliſhed and ſupported, may enjoy free Liberty of Conſcience in the Matters aforeſaid:*

Preamble.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Perſons in this State, profeſſing the Chriſtian Religion, who ſoberly and conſcientiouſly diſſent from the Worſhip and Miniſtry by Law eſtabliſhed in the Society wherein they dwell, and attend public Worſhip by themſelves, ſhall incur any Penalty for not attending the Worſhip and Miniſtry ſo eſtabliſhed, on the Lord's-Day, or on Account of their Meeting together by themſelves on ſaid Day, for public Worſhip in a Way agreeable to their Conſciences.

Diſſenters not to incur any penalty for not attending &c.

*And be it further enacted by the Authority aforeſaid,* That all Denominations of Chriſtians differing in their religious Sentiments from the People of the eſtabliſhed Societies in this State, whether of the Epiſcopal Church, or thoſe Congregationaliſts called Separates, or of the People called Baptiſts, or Quakers, or any other Denomination who ſhall have formed themſelves into diſtinct Churches or Congregations, and attend public Worſhip, and ſupport the goſpel Miniſtry in a Way agreeable to their Conſciences and reſpective Profeſſions; and all Perſons who adhere to any of them, and dwell ſo near to any Place of their Worſhip that they can and do ordinarily attend

When exempted from taxes, &c.

attend the ſame on the Sabbath, and contribute their due Proportion to the Support of the Worſhip and Miniſtry where they ſo attend, whether ſuch Place of Worſhip be within this, or any adjoining State, and produce a Certificate thereof from ſuch Church or Congregation, ſigned by their Order, by the Miniſter or other Officer thereof, and lodge the ſame with the Clerk of the Society wherein ſuch Perſon or Perſons dwell, every ſuch Perſon ſhall be exempted from being taxed for the Support of the Worſhip and Miniſtry of ſaid Society, ſo long as he or they ſhall continue ſo to attend and ſupport public Worſhip with a different Church or Congregation as aforeſaid.

All diſſenters the ſame powers, &c.

*And be it further enacted by the Authority aforeſaid*, That all ſuch Proteſtant Churches and Congregations as diſſent from the Worſhip and Miniſtry eſtabliſhed as aforeſaid, and who maintain and attend public Worſhip by themſelves, ſhall have Liberty and Authority to uſe and exerciſe the ſame Powers and Privileges for maintaining and ſupporting their reſpective Miniſters, and building and repairing their Meeting-Houſes for the public Worſhip of God, as the Eccleſiaſtical Societies, conſtituted by Act of the General Aſſembly of this State by Law have and do exerciſe and enjoy; and in the ſame Manner may commence and hold their Meetings, and tranſact their Affairs, as Occaſion may require for the Purpoſe aforeſaid.

To pay taxes for the ſupport of public worſhip.

And all Perſons ſhall be taxed for the Support of the Miniſtry and other Charges of the Society wherein they dwell, who do not attend and help Support any other public Worſhip; any Thing in this Act notwithſtanding.

Diſqualified from voting in ſociety meetings.

And every Perſon claiming the Benefit of this Act, ſhall be diſqualified to vote in any Society Meeting, ſave only for granting Taxes for the Support of Schools, and for the Eſtabliſhment of Rules and Regulations for Schools, and the Education of Children in them.

## An Act relating to Conſtables.

Conſtables yearly choſen

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Conſtables in each Town in this State, ſhall be yearly choſen to that Office; and ſworn by ſome Aſſiſtant or Juſtice of the Peace; or where there are no ſuch Authority in any Town, by the Town-Clerk of that Town, before the firſt Day of *January* in each Year.

One to collect ſtate taxes.

And that one, and but one Conſtable, ſhall be appointed by each Town, to levy and gather their State Taxes, and make up their Accounts thereof with the Treaſurer.

Perſons tendered by warrant from neighbouring ſtates, to be tranſported, &c.

That every Perſon tendered to any Conſtable, of any Town in this State, by any Conſtable or other Officer belonging to any of the neighbouring States, with a Warrant from any of their Authority, ſhall preſently be received and forthwith conveyed from Conſtable to Conſtable, by the reſpective Conſtables in this State, until ſuch Perſon ſhall be brought unto the Place to which he or ſhe is ſent, or before ſome Aſſiſtant or Juſtice of the Peace in this State; who ſhall diſpoſe of him or them as the Juſtice of the Cauſe ſhall require: And that the Coſt of tranſporting ſuch Perſons as belong out of this State, ſhall be paid out of the State Treaſury; and for ſuch as belong to any Town of this State, out of the Treaſury of the Town to which ſuch Conſtable belongs.

Hue-and-cries.

That every Conſtable ſhall duly receive all Hue-and-cries; and the ſame diligently purſue to full Effect; ſuch as are granted and ſent out after Capital or Criminal Offenders, at the Coſt and Charge of this State; but ſuch as are taken out by particular Perſons in their own Caſes, at the Coſt and Charge of thoſe who take them out.

That

That every Conſtable within this State, is hereby authorized and fully impowered, to put forth Purſuits or Hue-and-cries after Murderers, Peace-breakers, Thieves, Robbers, Burglarians, and other Capital Offenders, where no Magiſtrate or Juſtice of the Peace is near at Hand. When to purſue murderers &c. without warrant.

As alſo without Warrant, to apprehend ſuch as are guilty of Drunkenneſs, profane Swearing, Sabbath-breaking, alſo vagrant Perſons, unſeaſonable Night-walkers, or any others that ſhall offend in any of theſe: Provided, they be taken and apprehended in the Manner; either by the Sight of the Conſtable, or preſent Information of ſome others. Alſo ſabbath breakers, &c.

As alſo to make Search for all ſuch Perſons, either on the Sabbath or other Days, when there ſhall be Occaſion, in Taverns and other ſuſpected Places, or Houſes; and thoſe to apprehend and keep in ſafe Cuſtody, till Opportunity ſerves to bring them before the next Aſſiſtant or Juſtice of the Peace, for further Examination; in order to their being proceeded againſt according to Law. To make ſearch in taverns, &c. for diſorderly perſons.

That each and every Conſtable ſhall have Power and Authority to ſerve and execute ſuch lawful Precepts, Writs, or Warrants as are directed to them from lawful Authority. To ſerve writs.

And ſhall have the Power of Water-Bailiffs in the ſeveral reſpective Towns in this State, when and where there ſhall be Occaſion for the ſame. To have the power of water-bailiffs.

*Provided neverthelefs*, That when any Conſtable is employed or commanded by any Aſſiſtant or Juſtice of the Peace, to apprehend or arreſt any Perſon or Perſons, he ſhall not do it without a Warrant in Writing.

*Be it further enacted by the Authority aforeſaid*, That all Conſtables may, and from Time to Time ſhall, make diligent Search throughout the Limits of their Town, upon the Lord's-Days, and on all other Times, (as oft as they ſhall be informed, or ſee Cauſe), for ſuch Offenders as ſhall lye Tippling in any Inn, or Houſe of Entertainment, or private Houſe, exceſſively, or unſeaſonably; and after ſuch as retail ſtrong Drink without Licence: And alſo warn all thoſe that frequent Taverns, and ſpend their Time there idly, to forbear: And alſo warn all thoſe Perſons that keep ſuch Houſes, not to ſuffer any ſuch Perſons in their Houſes. And to make due Preſentment of all Breaches of Law (coming within their Knowledge) to ſome Authority proper to receive the ſame, once in every Month. To ſearch for tipplers, &c.

And if upon due Information, any Conſtable ſhall refuſe or neglect to make ſuch Search, Seizure and Preſentment, and be thereof legally convicted, he ſhall pay a Fine of *Five Shillings* to the Treaſury of the Town whereto he belongs. Penalty for refuſing, &c.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon ſhall refuſe at any Time to aſſiſt any Conſtable in the Execution of his Office, being by him duly thereunto required, he ſhall forfeit *Ten Shillings*. Penalty for not aſſiſting a conſtable, &c.

And if it appear that any Perſon ſhall wilfully, obſtinately, or contemptuouſly refuſe to aſſiſt ſuch Conſtable, as is before expreſſed, he ſhall forfeit and pay to the Uſe of the Town where the Offence is committed, *Forty Shillings*: The ſaid Offence to be heard and tried by any Aſſiſtant or Juſtice of the Peace. Obſtinate refuſal, penalty 40s.

That if any Conſtable, or other Perſon, upon urgent Occaſion, ſhall refuſe to uſe his beſt Endeavour, in raiſing and proſecuting Hue-and-cries, either on Foot or by Horſe (if need be) after Capital Offenders, he ſhall forfeit the Sum of *Forty Shillings*, to the Uſe aforeſaid; to be determined as aforeſaid. Penalty for not purſuing capital offenders, &c. 40s.

And every Conſtable in this State, ſhall be furniſhed with a black Staff, having a Head with the Arms of this State thereon; which Staff he ſhall carry upon proper Occaſions, as a Token or Badge of his Office; which the To be furniſhed with a black ſtaff.

Select-men

Penalty. Select-men of each Town are to take Care to provide at the Town's Charge; upon Penalty of *Five Shillings* for every Month's Neglect; one Half to be to him or them that ſhall proſecute for the ſame, and the other Half to the Town Treaſury.

On removal new conſtables to be choſen. And in Caſe any Town, by the Death or Removal of the Conſtable or Conſtables thereof, ſhall become wholly deſtitute of ſuch Officers; ſuch Town ſhall forthwith aſſemble, and proceed to the Choice of a Conſtable or Conſtables, to ſupply the Vacancy ſo made; who ſhall be ſworn according to Law.

## An Act to prevent counterfeiting Bills of Credit, Coins or Currencies, paſſing the ſame, and emitting and paſſing Bills on private Credit; and to prevent Injuſtice by paſſing counterfeit Bills.

Counterfeiting. *BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall forge, alter or counterfeit any of the Bills of Public Credit, emitted by the Authority of this State, or by Authority of the United States in Congreſs aſſembled, or by the Authority of any one of the United States of *America*; or any Note or Notes iſſued from the Loan-Office of this State, or from the Loan-Office of the United States, or of any one of the States aforeſaid, or any Note or Notes iſſued by the Preſident, Directors, and Company of the Bank of *North-America*; or ſhall utter and put off any ſuch forged, altered, or counterfeit Bill or Bills, Note or Notes, knowing them to be ſuch, or that ſhall counſel, adviſe, procure, or any ways aſſiſt in forging, counterfeiting, imprinting, ſtamping, altering or ſigning of any falſe, forged and counterfeit Bill or Bills, knowing them to be ſuch, or that ſhall engrave any Plate, or make any Inſtrument to be uſed for any of the Purpoſes aforeſaid, or that ſhall ſtamp, or any otherways counterfeit any of the Coins of Gold or Silver currently paſſing in this State, or that ſhall utter and put off any ſuch counterfeit Coins, knowing the ſame to be baſe, falſe and counterfeit, or that ſhall make any Inſtrument or Inſtruments for the counterfeiting any of the Coins aforeſaid, or ſhall be aiding or aſſiſting therein, and be thereof convicted before the Superior Court, ſuch Perſon or Perſons ſo offending, ſhall be whipped on the naked Body twenty Stripes, and pay a Fine, not exceeding *One hundred Pounds*, for the uſe of the Treaſury of this State, and be confined to any Work-Houſe or Houſe of Correction in this State, for a Term not exceeding ten Years, at the Diſcretion of ſaid Court.

For firſt offence.

to be fined, &c.

Jool.

Puniſhment for ſecond offence. And if any Perſon ſhall commit the like Offence, and be thereof convicted a ſecond Time, he or ſhe ſhall be whipped thirty Stripes, and be confined in ſuch Work-Houſe or Houſe of Correction, and there be kept to hard Labour during the Term of his or her natural Life.

*And that ſuch Offenders may more effectually be diſcovered and detected:*

Reward for detecting, &c. *Be it further enacted by the Authority aforeſaid*, That whoſoever ſhall make Diſcovery, and give Information of any of the Offences aforeſaid, ſo that the Perſon or Perſons guilty thereof be tendred to Juſtice, and convicted, every ſuch Informer ſhall have and receive, as a Reward for his good Services, in diſcovering and informing as aforeſaid, the Sum of *Ten Pounds*; to be ordered out of the public Treaſury, by the Court before whom ſuch Conviction is had.

*And more effectually to prevent the paſſing of ſuch counterfeit, forged, or altered Bills, and Injuſtice ariſing thereby;*

*Be it further enacted by the Authority aforeſaid*, That when and ſo often as

as it ſhall happen that any ſuch falſe, forged, altered or counterfeit Bill ſhall be brought to the Treaſurer of this State, or offered to him in Payment of Rates, or to be exchanged, he ſhall ſecure them; and he is hereby authorized to ſeize and retain them; entering on the Back thereof the Name of the Perſon in whoſe Poſſeſſion they were; and then deliver the ſame into the Hands of ſome Authority, to be enquired into.

Treaſurer to retain counterfeit bills, &c.

And every Aſſiſtant and Juſtice of the Peace, is hereby authorized and impowered, to ſeize and take into his Cuſtody, every ſuch falſe Bill which he ſhall ſee, obſerve, or have Knowledge of, and the ſame to retain, entering on the Back-ſide thereof the Name of the Perſon from whom he takes the ſame; and at his Diſcretion to cauſe the Perſon from whom he took ſuch Bill, or the Perſon from whom the Treaſurer took ſuch Bill, and lodged with him, to be examined in the Premiſes; and to adminiſter an Oath to ſuch Perſon or Perſons to declare of whom he or they received it; and thereon to proceed in his Enquiries in the Manner aforeſaid, after the Author of the Miſchief, as far as ſuch Authority's Diſcretion will guide him.

Aſſiſtant or juſtice duty, to retain counterfeits, &c.

*Be it further enacted by the Authority aforeſaid*, That whenever any Perſon ſhall be the Poſſeſſor of any ſuch falſe or counterfeit Bill, (on his diſcovering it to be ſuch) he ſhall deliver the ſame to ſome Aſſiſtant or Juſtice of the Peace; and inform him that he concludeth the ſame to be falſe, and counterfeit; and if ſuch Aſſiſtant or Juſtice ſhall ſuppoſe the ſame to be falſe, as aforeſaid, he ſhall take the ſame, and write the Name of the Perſon of whom he received it, on the Back of ſaid Bill; and that it was delivered him as a counterfeit Bill.

Poſſeſſor of counterfeits, what method to take.

And ſuch Perſons that ſo deliver up ſuch Bill, or from whom ſuch Bill is taken in either of the Methods aforeſaid, may after ſuch Delivery or Taking, go to the Perſon of whom he received the ſame, and demand of him pay therefor, informing him where ſuch Bill is lodged.

How to recover over of the perſon from whom received.

And if any Perſon of whom he received ſaid Bill, ſhall refuſe or neglect to make him Satisfaction therefor; or without ſuch Demand, Information or Refuſal, (if Need ſo require) may bring his Action for Damage, in not paying him for ſaid Bill, or for putting off ſuch Bill to him, before any Court, Aſſiſtant, or Juſtice of the Peace, proper to try the ſame; alledging the ſame to be taken or delivered up as aforeſaid.

On refuſal may bring his action, &c.

And in the Trial of any ſuch Caſe, if the Bill be found to be falſe, forged or counterfeit, to the Satisfaction of the Court that tries the ſame, the ſaid Court ſhall proceed to enquire into the Equity of the Caſe, by examining the Parties under Oath, and taking any other Evidences as they ſhall judge juſt and right: and upon their finding to their Satisfaction, that ſuch Plaintiff received the ſame Bill of the Defendant for a true Bill, they ſhall give Judgment for the Plaintiff for his juſt Damages, and Coſt.

Trial, by enquiry into the equity of the caſe, &c.

*Provided always*, Such Bill be delivered up or taken, as aforeſaid, before the Plaintiff offered the ſame back to the Perſon of whom he received it.

Proviſo.

*Provided alſo*, That no Perſon be proſecuted in Form, as aforeſaid, but within one Year after he puts off ſuch Bill; which Fact may be enquired into in Form aforeſaid.

Proviſo.

*And it is further Enacted*, That all and every Perſon that hath at any Time had any ſuch Bill that ſhall be taken from the Poſſeſſor, or ſhall by the Poſſeſſor be delivered up, as aforeſaid, and hath ſatisfied the Perſon to whom he put off ſaid Bill for the ſame, ſhall have the like Liberty in proſecuting, and taking Remedy, as aforeſaid, againſt the Perſon of whom he received the ſame.

The remedy extended, &c.

And that every Aſſiſtant, or Juſtice, that ſhall have ſuch Bill in his Hands, ſhall at the Coſt of the Party, ſafely convey the ſame to any Court, where the ſame may be wanted in the Trial of the Caſe.

Bill conveyed to court, &c.

To be deſtroyed.

And that if any Court, Aſſiſtant, or Juſtice hath had the Poſſeſſion of ſuch falſe or counterfeit Bill the Space of one Year, he ſhall deſtroy the ſame.

No bills, for a medium, to iſſue from a private fund unleſs, &c. on penalty, &c.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon, Society, Number of Perſons, or Company within this State, without ſpecial Authority from the Legiſlature, ſhall preſume to ſtrike, emit, or put out any Bills of Credit, on any Fund or Credit of any Perſon or Perſons, Society or Company, to be uſed and improved as a general Currency, or Medium of Trade, as, and in Lieu of Money; ſuch Perſon or Perſons, Society or Company, and every of them, ſhall be ſubject to the ſame Pains, Penalties and Forfeitures, and be puniſhed in the ſame Manner as thoſe are by this Act ſubjected to, who ſhall be convicted of forging or counterfeiting the Bills of Credit of this State.

Forfeiture of double the value; how recovered &c.

And that if any Perſon or Perſons in this State, ſhall utter, vend or paſs any Bills or Notes, or any other Currencies whatever, which either have been, or hereafter ſhall be ſtruck, emitted or put out to be uſed as aforeſaid, on the Fund or Credit of any private Perſon or Perſons, Society or Company whatever, either in this or the neighbouring States; he or they ſo offending, ſhall forfeit double the Sum, or Value expreſſed in ſuch Bill, Note or other Currency: The one Half thereof to him or them that ſhall proſecute the ſame to Effect, and the other Half to the Town Treaſury, when the Trial ſhall be before an Aſſiſtant or Juſtice; and to the County Treaſury when it ſhall be before the County Court.

The ſame method to be taken to detect counterfeit coins.

*And be it further enacted by the Authority aforeſaid*, That the Treaſurer and Civil Authority be, and they hereby are authorized and directed, to take the ſame Method to diſcover, detect and ſecure all falſe and counterfeit Coins made in Imitation of any Gold or Silver Coins that are or may be current in this State, and to detect the Authors of the Fraud, as is in this Act before provided and directed in Caſe of falſe or counterfeit Bills of public Credit.

Like remedy of recovering over as in caſe of counterfeit bills, &c.

And any Perſon who hath ſuſtained or may ſuſtain any Damage by receiving any falſe or counterfeit Coin, or any falſe, forged, counterfeit, or altered Note, Security, Certificate or Order, made in Imitation of, or purporting to be a Note, Security, Certificate or Order, iſſued under the Authority of the United States, or of this State, ſhall and may have Remedy for Recovery of ſuch Damages, in the ſame Manner as is by this Act provided and directed in Caſe of Damages ſuſtained by receiving falſe or counterfeit Bills of public Credit.

Grand-jurors to preſent.

And all Grand-jurors and Conſtables are hereby required to make Preſentment of all Breaches of this Act.

## An Act for ſtating, limiting, and naming the Counties in this State.

Names of counties.

Hartford county.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Towns of *Hartford, Wethersfield, Middletown, Farmington, Symſbury, Haddam, Eaſt-Haddam, Hebron, Glaſſenbury, Bolton, Willington, Stafford, Tolland, Eaſt-Windſor, Suffield, Enfield, Somers, Southington, Chatham* and *Eaſt-Hartford*, ſhall be and remain one County, by the Name of the County of *Hartford*.

New-Haven county.

That the Towns of *New-Haven, Milford, Branford, Wallingford, Derby, Durham, Waterbury, Guilford, Cheſhire* and *Woodbridge*, ſhall be and remain one County, by the Name of the County of *New-Haven*.

That

That the Towns of *New-London*, *Norwich*, *Lyme*, *Groton*, *Preſton*, *Stonington*, *Say-Brook*, *Killingworth*, and *Colcheſter*, ſhall be and remain one County, by the Name of the County of *New-London*. New-London County.

That the Towns of *Fairfield*, *Stratford*, *Norwalk*, *Stanford*, *Greenwich*, *Danbury*, *Newtown*, *Ridgefield*, *Redding*, and *New-Fairfield*, ſhall be and remain one County, by the Name of the County of *Fairfield*. Fairfield County.

That the Towns of *Windham*, *Lebanon*, *Plainfield*, *Canterbury*, *Mansfield*, *Coventry*, *Pomphret*, *Killingly*, *Woodſtock*, *Aſhford*, *Voluntown* and *Union*, ſhall be and remain one County, by the Name of the County of *Windham*. Windham County.

That the Towns of *Litchfield*, *Woodbury*, *New-Milford*, *Harwinton*, *New-Hartford*, *Barkhempſted*, *Hartland*, *Colebrook*, *Norfolk*, *Canaan*, *Saliſbury*, *Sharon*, *Kent*, *Cornwall*, *Watertown*, *Torrington*, *Goſhen* and *Wincheſter*, ſhall be and remain one County, by the Name of the County of *Litchfield*. Litchfield County.

## An Act for conſtituting and regulating Courts; and appointing the Times and Places for holding the ſame.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That there ſhall be yearly, two General Courts, or Aſſemblies, held in this State; the one at *Hartford*, on the ſecond Thurſday in *May*, and the other at *New-Haven*, on the ſecond Thurſday in *October*, (unleſs neceſſitated by infectious or epidemical Diſeaſes or otherways, occaſionally to remove to ſome other Place:) And the firſt ſhall be called the Court of Election; wherein ſhall be choſen from Time to Time, one Governor, who ſhall be the chief Magiſtrate of this State, and be ſtiled, *His Excellency*; and one Lieutenant-Governor, whoſe Title ſhall be, *His Honor*; and twelve Aſſiſtants or Counſellors; a Treaſurer, and Secretary for this State. Two General Courts yearly

And the ſaid General Court ſhall be compoſed of two Branches; the Governor and Council, and the Houſe of Repreſentatives; who ſhall convene in different Apartments to tranſact the public Buſineſs: And any Act may be originated by either Branch, but not be valid without the Concurrence of both. The Governor, or in his Abſence the Lieutenant-Governor ſhall preſide in Council: And when the Governor is preſent to preſide, the Lieutenant-Governor ſhall have a Voice in Council; and the Governor, or Lieutenant-Governor and ſix Counſellors, ſhall be neceſſary to make a Quorum for doing Buſineſs. That if at any Time, by Death or otherwiſe, the Offices of Governor and Lieutenant-Governor ſhall be vacant, or if the Governor and Lieutenant-Governor ſhall be abſent out of the State, or be unable to attend the General Court, the ſenior Member of the Council preſent, ſhall preſide in Council; who, together with ſix other Members, ſhall have Power to tranſact the Buſineſs of the Council. And not leſs than Forty of the Deputies or Repreſentatives from the ſeveral Towns in this State, that ſhall be preſent to attend the ſaid Court, ſhall make a Houſe of Repreſentatives for tranſacting Buſineſs. Of whom to conſiſt.

In which General Court, ſhall conſiſt the Supreme Power and Authority of this State; and they only ſhall have Power to make Laws and repeal them; to grant Levies, to diſpoſe of Lands undiſpoſed of, to Towns, or particular Perſons: And alſo to inſtitute and ſtile Judicatories and Officers as they ſhall ſee neceſſary for the good Government of this State. Their power.

Alſo to call any Court, or Magiſtrate, or any other Officer or Perſon whatever to an Account, for any Miſdemeanor or Male-Adminiſtration; To call any officer to account.

and for juſt Cauſe, may fine, diſplace or remove them, or deal otherwiſe as the Nature of the Cauſe ſhall require; and alſo may deal and act in any other Matter that concerns the Good of this State; except the Election of Governor, Lieutenant-Governor, Aſſiſtants or Counſellors; which ſhall be done by the Votes of the Freemen, at the yearly Court of Election.

Proviſo. Provided, That if there be any want of any of the ſaid Officers, by Reaſon of Death or otherways, after the Election, ſuch Want ſhall or may be ſupplied and made up by the General Court's Election, or appointing ſome ſuitable Perſon or Perſons to ſupply ſuch Vacancy.

To grant pardon. That the General Court only, ſhall have Power, upon Grounds to them ſatisfying, to grant Pardons, Suſpenſions and Gaol-Delivery upon Reprieve in capital and criminal Caſes, unto any Perſon or Perſons that have been ſentenced in any other Court whatever in this State.

Not to be diſſolved without, &c. That none of our General Courts ſhall be diſſolved or prorogued without the Conſent of the major Part thereof.

Power to call ſpecial aſſembly. That the Governor, or in his Abſence the Lieutenant-Governor, by himſelf, or the Secretary, ſhall upon any emergent or ſpecial Occaſion, call a General Court upon fourteen Days Warning, or leſs, if he ſee it needful; *provided*, he give an Account thereof to the Aſſembly when they ſhall be met together.

Penalty for revealing ſecrets, 10l. That if any Member of the General Court, ſhall reveal or diſcloſe any Matter which the Court enjoins to be kept ſecret; or ſhall make known to any Perſon what any one Member of the Court ſpeaks concerning any Perſon, or Buſineſs that may come in Agitation in the Court, he ſhall for every ſuch Offence, forfeit *Ten Pounds* to the public Treaſury.

No member to appear as attorney. That no Member of the General Court ſhall appear as an Attorney at the Bar of the ſaid Court; unleſs it be in his own Cauſe, or in Behalf of the Town he repreſents; or ſuch Caſes wherein the Law will not allow him to ſit as Judge.

Free from arreſts, &c. Nor ſhall any Member of the ſaid Court, during the Seſſions thereof, or in going to, or from the ſaid Court, be arreſted, ſued or impriſoned, or any ways moleſted or troubled, or compelled to anſwer to any Suit, Bill, Plaint, Declaration or otherwiſe, before any other Court, Judge, or Juſtice; Caſes of High-Treaſon and Felony excepted.

Towns liberty to ſend one or two deputies. And that the Freemen in every Town in this State, ſhall have Liberty to ſend one, or two Deputies to every Seſſion of the General Aſſembly; which Deputies ſhall have the Power and Voices of all the Freemen deputing them in any Matter proper for ſaid Aſſembly to act in.

Deputies to meet on election day at 8 o'clock, and chuſe ſpeaker and clerk. That the Deputies or Repreſentatives, who are returned from the reſpective Towns to ſerve in the General Aſſembly in *May*, annually, ſhall meet at their Chamber in the State-Houſe, at eight of the Clock in the Morning on the ſaid Day of Election; when and where they ſhall chooſe a Speaker and Clerk for their Houſe, for that Seſſion; and do any other Matter proper and meet for them to act, before the public Service, and Election on ſaid Day. And that the ſaid Deputies returned to ſerve in the General Aſſembly in *October*, annually, ſhall meet at the State-Houſe in *New-Haven*, at nine of the Clock in the Morning, on the ſecond Thurſday of *October*, and proceed to form the Houſe, as aboveſaid.

Right to determine the election of their own members. And when the ſaid Deputies or Repreſentatives are met together at any General Aſſembly, it ſhall be lawful for them, or the major Part preſent, to examine, hear, and determine any Difference that may ariſe about the Election of any of their Members.

Deputy muſt be a freeman, & regularly choſen. And that no Perſon ſhall be accepted a Deputy in the General Court, that is not known to be a Freeman of this State, and regularly choſen thereunto by the Freemen of that Town for whom he ſerves; nor before he takes the Deputy's Oath by Law provided to be adminiſtred to them.

That at the opening of every General Aſſembly, the Clerk of the Houſe

of

of Repreſentatives, then, and every Morning, from Day to Day during the whole Seſſions, ſhall in the Lower-Houſe, call over the Names of the ſeveral Deputies or Repreſentatives of the reſpective Towns in this State, returned to ſerve as aforeſaid, and note thoſe that are abſent when called.

Abſence to be daily noted.

And the Governor, or in his Abſence the Lieutenant-Governor, ſhall have a caſting Voice, whenever an equi-vote ſhall happen in the Upper-Houſe: And the Speaker ſhall have a caſting Voice whenever an equi-vote ſhall happen in the Lower-Houſe.

Governor & ſpeaker to have caſting voice, &c.

*Be it further enacted by the Authority aforeſaid*, That there ſhall be a Superior Court of Judicature over this State, held and kept annually, at the reſpective Times and Places hereafter in this Act mentioned, by one Chief Judge, and four other Judges; to be appointed and commiſſioned for that Purpoſe: Any Three of whom ſhall have Power to hold ſaid Court: Which Court ſhall have Cognizance of all Pleas of a criminal Nature, that relate to Life, Limb or Baniſhment, and other high Crimes and Miſdemeanors, and of Divorce, and of Adultery; and alſo ſhall have Cognizance of all Pleas, real, perſonal or mixt, in civil Cauſes or Actions, between Party and Party, whether the ſame do concern the Reality, and relate to any right of Freehold or Inheritance; or whether the ſame do concern the Perſonality, and relate to Matters of Debt, Contract, Damage, or any other perſonal Right or Injury; or whether the ſame do concern and relate both to the Reality and Perſonality, and are of a mixt Nature, brought before them by Appeal, Writ of Error, *Scire Facias*, Complaint or otherwiſe, as the Law directs; and the ſame to try by a Jury or otherwiſe, according to Law; and therein to proceed to Judgment, and award Execution thereon accordingly.

Powers of ſuperior court.

And alſo ſhall have Juriſdiction of all Suits for Relief in Equity, wherein the Value of the Matter or Thing in Demand exceeds the Sum of *One Hundred Pounds*; and to enquire into the ſame by themſelves or a Committee; and proceed therein to final Sentence and Decree, and enforce the ſame according to the Rules of Equity.

Juriſdiction of matters of equity.

That the Times and Places for holding the ſaid Superior Court of Judicature, ſhall be as follows, *That is to ſay*;

Times and places of ſeſſions.

Within and for the County of *Litchfield*, at *Litchfield*, on the firſt Tueſday in *February* and *Auguſt*, annually.

AtLitchfield.

Within and for the County of *Fairfield* at *Fairfield*, on the laſt Tueſday ſave Two, in *February* and *Auguſt*, annually.

Fairfield.

Within and for the County of *New-Haven*, at *New-Haven*, on the laſt Tueſday ſave One, in *February* and *Auguſt*, annually.

New-Haven.

Within and for the County of *Hartford*, at *Hartford*, on the firſt Tueſday in *March* and *September*, annually.

Hartford.

Within and for the County of *Windham*, at *Windham*, on the third Tueſday in *September* and *March*, annually.

Windham.

And within and for the County of *New London*, at *Norwich*, on the fourth Tueſday in *March*, and at *New-London* on the fourth Tueſday in *September*, annually.

New-London and Norwich.

And the Chief Judge, or in his Abſence any Three of the other Judges, ſhall be, and they are hereby impowered to call a Special Superior Court, upon any extraordinary Occaſion.

Power to call a ſpecial court

And when it ſhall ſo happen, that the ſaid Court cannot conveniently be held at the Time or Place appointed, any three of the Judges ſhall have Power to adjourn it, to any other Time or Place within the County; or may continue the Matters therein depending, to the next ſtated Term; giving Notice thereof to the Sheriff in Writing under their Hands; who ſhall proclaim and publiſh the ſame, in ſuch Manner as the ſaid Judges ſhall direct.

Three judges of the ſuperior court, impowered to adjourn, &c.

That

To call in assistants.

That when, and so often as it shall happen, that by Reason of the necessary Absence of, or just Exception against any of the Judges of the said Superior Court, there shall not be a sufficient Number of them to hold said Court, to try any Cause, the same shall be supplied by any of the Assistants of this State.

One Judge power to open and adjourn.

That any one of the Judges of said Court, being at the Place and Time for opening said Court, shall have full Power to open and adjourn the same.

Sheriff power to adjourn.

And that if all the Judges of said Court shall be providentially hindred, or shall not be there at the Time for opening said Court, the Sheriff of the County shall, and he is hereby impowered to adjourn the said Court by Proclamation to the next Day, till the Judges may arrive at the Place. Which Adjournments shall be good and effectual; and all Parties concerned in said Court are to take Notice accordingly.

Judges power to appoint a clerk, &c.

That the Judges of said Court shall have full Power to appoint and swear a Clerk for said Court, who shall be, and he is hereby fully impowered to grant Executions on Judgments rendered in said Court, to act and do all things proper for him as Clerk of said Court in the Execution of his Office, according to the Rules, Orders and Directions of said Court, and according to Law.

County courts, their powers, &c.

*Be it further enacted by the Authority aforesaid*, That there shall be held and kept in each respective County in this State, yearly, and every Year, at the Times and Places hereafter in this Act mentioned, two Courts of Common Pleas or County Courts, by a Judge with two or more Justices of the Quorum, to be appointed and commissioned for that Purpose; any three of whom shall have Power to hold said Court, which Court shall have full Power to hear, examine, try and determine, by a Jury or otherwise, according to Law, all civil Causes, real, personal or mixt; and also all criminal Matters, not extending to Life, Limb, Banishment, Adultery or Divorce, regularly brought before them.

Jurisdiction of matters of equity.

And also, all Suits for Relief in Equity, wherein the Matter or Thing in Demand does not exceed the Sum of *One Hundred Pounds*, and proceed therein to a final Sentence and Decree, and enforce the same according to the Rules of Equity.

To tax.

And the said County Courts or Courts of Common Pleas in each County and the Grand-jurors there present, shall also have Power and Authority and they are hereby impowered to grant and levy a Tax annually, as the Necessity of the Case may require, upon each Town in the said County according to the Lists of Estate for such Year, for the paying those Debts of the County or necessary Charges thereof which cannot be paid out of the Fines and Perquisites allotted for that End.

When and where held.

That the Times and Places for holding the said County Courts within the several and respective Counties, shall be as follows: That is to say;

Hartford.

For the County of *Hartford*, at *Hartford*, on the first *Tuesday* in *April* and *November*, annually.

New-Haven.

For the County of *New-Haven*, at *New-Haven*, on the first *Tuesday* in *April*, and the second *Tuesday* in *November*, annually.

New-London

For the County of *New-London*, at *New-London*, on the second *Tuesday* in *June*, and at *Norwich*, the fourth *Tuesday* in *November*, annually.

Fairfield.

For the County of *Fairfield*, at *Fairfield*, on the third *Tuesday* in *April* and *November*, annually.

Windham.

For the County of *Windham*, at *Windham*, on the third *Tuesday* in *June* and the second *Tuesday* in *December*, annually.

Litchfield.

And for the County of *Litchfield*, at *Litchfield*, on the fourth *Tuesday* in *March* and *September*, annually.

To call special court.

That the Judge of each respective County Court shall be, and he is hereby impowered to call a special County Court upon any extraordinary Occasion.

That

That the Judge and Juſtices of each reſpective County Court, ſhall be, and they are hereby impowered to adjourn the ſaid Court upon any neceſſary Occaſion, as they ſhall ſee Cauſe, to ſome diſtant Time. Power to adjourn.

And the Judges of the County Court in *New-London* County, ſhall have Liberty to adjourn to and hold their adjourned Courts either in the Town of *New-London* or *Norwich*, as they ſhall judge convenient. New-London county may adjourn to New-London or Norwich.

And that when, and ſo often as it ſhall happen, that by Reaſon of the neceſſary Abſence of, or juſt Exception againſt the Judge or any of the Juſtices of the Quorum in any County, there ſhall not be a ſufficient Number of them to hold ſuch Court, or try any Cauſe, the Quorum ſhall be ſupplied by any of the Juſtices of the Peace of that County to which the Court belongs. Juſtices may be called on to make a quorum.

And the ſaid County Courts are hereby impowered to nominate, appoint and ſwear their own Clerks and a Treaſurer for their reſpective Counties. To appoint clerk and treaſurer.

Which Clerks, ſo appointed and ſworn, ſhall be, and they reſpectively are hereby impowered to grant Attachments, Summonſes, and Replevins according to Law: Alſo to grant Executions on Judgments rendered in ſaid Courts on which Executions are to be iſſued; and to act and do all other Matters and Things according to the Orders and Directions of ſaid Courts, proper for them in the Execution of ſaid Office, and according to Law. Clerks to be ſworn—their power, &c.

*Be it further enacted by the Authority aforeſaid*, That the chief Judge or Preſident for the Time being of the Superior Court, and the Judge or Preſident for the Time being of the County Courts, whenever an Equi-vote ſhall fall out in either of the ſaid Courts, ſhall reſpectively have a caſting Voice. The like Power and Authority every Preſident or Moderator, in any civil Court, Meeting or Aſſembly in this State, ſhall exerciſe in ſuch Caſes. Chief judge, &c. to have a caſting voice.

*And be it further enacted by the Authority aforeſaid*, That there ſhall be a Court of Probate held and kept in each of the ſeveral Diſtricts hereafter mentioned, to be held by one Judge to be appointed and commiſſioned for that Purpoſe: Each of which Judges ſhall have a Clerk, by him to be appointed and ſworn to the Office: Which Courts of Probate ſhall have the Power and Cognizance of the Probate of Wills and Teſtaments, granting Adminiſtration, appointing and allowing of Guardians, and of acting in all teſtamentary and probate Matters, and in every other Thing proper for a Court of Probate to act in according to Law. Courts of probate inſtituted—to have a clerk, &c. Juriſdiction.

That the Diſtricts of the ſeveral Courts of Probate ſhall be as follows: That is to ſay; Several diſtricts.

That the Towns of *Hartford*, *Windſor*, *Wethersfield*, and *Suffield*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Hartford*. Hartford.

That the Towns of *New-Haven*, *Milford*, *Derby* and *Woodbridge*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *New-Haven*. New-Haven.

That the Towns of *New-London* and *Lyme*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *New-London*. New-London

That the Towns of *Fairfield* and *Norwalk*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Fairfield*. Fairfield.

That the Towns of *Windham*, *Lebanon*, *Mansfield* and *Coventry*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Windham*. Windham.

That the Towns of *Plainfield*, *Canterbury*, *Killingly* and *Voluntown*, (except the two north Societies in *Killingly*) ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Plainfield*. Plainfield.

That the Towns of *Guilford* and *Branford*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Guilford*. Guilford.

That the Towns of *Woodbury*, *New-Milford*, and the Society of *Judea* in the Town of *Waſhington*, ſhall be one Diſtrict, and called by the Name of the Diſtrict of *Woodbury*. Woodbury.

That

East Haddam — That the Towns of *Eaſt-Haddam*, *Colcheſter*, *Hebron*, and that Part of *Chatham* ſouth of *Salmon-river*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Eaſt-Haddam*.

Litchfield. — That the Towns of *Litchfield*, *Goſhen*, *Torrington*, *Cornwell*, *Harwinton*, the Society of *Eaſt-Greenwich* in *Kent*, and the Town of *Waſhington*, (except the Society of *Judea*) ſhall be one Diſtrict, by the Name of the Diſtrict of *Litchfield*.

Stanford. — That the Towns of *Stanford* and *Greenwich*, ſhall be one Diſtrict by the Name of the Diſtrict of *Stanford*.

Danbury. — That the Towns of *Danbury*, *Redding*, *Newtown*, *Ridgefield* and *New-Fairfield*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Danbury*.

Norwich. — That the Towns of *Norwich* and *Preſton*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Norwich*.

Middletown. — That the Towns of *Middletown*, *Haddam*, *Durham* and *Chatham* (except that Part ſouth of *Salmon-river*) ſhall be one Diſtrict, by the Name of the Diſtrict of *Middletown*.

Pomphret. — That the Towns of *Pomphret*, *Aſhford*, and *Woodſtock*, Society of *Mortlake*, and the two north Societies in the Town of *Killingly*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Pomphret*.

Sharon. — That the Towns of *Sharon*, *Saliſbury*, *Canaan*, and the firſt Society in the Town of *Kent*, including the Lands on the weſt Side of *Ouſatunnuck-river* annexed to ſaid *Kent*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Sharon*.

Stafford. — That the Towns of *Stafford*, *Tolland*, *Willington*, *Somers*, *Union*, and the eaſt Part of the Society of *Ellington* in the Town of *Eaſt-Windſor*, extending as far Weſt as the weſt Line of *Tolland*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Stafford*.

Symſbury. — That the Towns of *Symſbury*, *Berkhempſted* and *Hartland*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Symſbury*.

Stonington. — That the Towns of *Stonington* and *Groton*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Stonington*.

Farmington. — That the Towns of *Farmington*, *Southington* and *New-Hartford*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Farmington*.

Wallingford. — That the Towns of *Wallingford*, *Cheſhire*, and the Society of *Norford* in the Town of *Branford*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Wallingford*.

Say-Brook. — That the Towns of *Say-Brook* and *Killingworth*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Say-Brook*.

Stratford. — That the Town of *Stratford*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Stratford*.

East Windſor. — That the Town of *Eaſt-Windſor*, (except that Part of the Society of *Ellington* lying Eaſt of a meridian Line drawn from the north-weſt Corner of *Tolland*) the Towns of *Glaſſenbury*, *Enfield*, *Bolton*, and *Eaſt-Hartford*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Eaſt-Windſor*.

Waterbury. — That the Towns of *Waterbury* and *Watertown*, ſhall be one Diſtrict, by the Name of the Diſtrict *Waterbury*.

Norfolk. — That the Towns of *Norfolk*, *Colebrook* and *Wincheſter*, ſhall be one Diſtrict, by the Name of the Diſtrict of *Norfolk*.

In each of which Diſtricts ſhall be kept and held, a Court of Probate, as aforeſaid.

Courts to be held in any town within the diſtrict. — That the Judges of the ſeveral Courts of Probate aforeſaid, ſhall have Liberty and Power, and the ſame is hereby given them, to hold their ſaid Courts in any of the Towns within the reſpective Diſtricts to which they are or ſhall be appointed.

Judge may call in juſtices to aſſiſt. — And that ſo often as any difficult or diſputable Matter, happen in any Caſe depending before any of the Judges of the Court of Probate, ſuch Judge ſhall have Liberty and Power to call in to his Aſſiſtance, any two or three

three of the Juſtices of the Quorum of that County in which ſuch diſputable Matter ariſeth.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon be aggrieved with the Judgment, Sentence, Decree, Determination, Denial, or Order of any of the Courts of Probate, he may appeal to the Superior Court in that County in which the Matters of Diſpute and Controverſy ſhall happen to be or ariſe. Every Perſon ſo appealing, giving ſufficient Security to proſecute ſuch Appeal to Effect, and anſwer all Damages in Caſe he fail to make his Plea good.

Appeal allowed.

*Provided*, That ſuch aggrieved Perſon (if within this State, or the States of *New-Hampſhire*, *Maſſachuſetts*, *Rhode-Iſland*, *New-York* or *New-Jerſey*,) and of full Age at the Time of ſuch Court of Probate's declaring ſuch Order, Sentence, or Decree, ſhall within eighteen Months after ſuch Declaration, or within eighteen Months after he or ſhe come to the Age of Twenty-one Years, or come into this State, enter his or their Appeal from ſuch Judgment, Sentence, Determination, Denial or Order.

Proviſo.

And all Perſons aggrieved, as aforeſaid, and being of full Age, and preſent, or having legal Notice to be preſent at the Court of Probate which ſhall give ſuch Judgment, Sentence, Determination, Denial or Order, ſhall have Liberty to appeal to the next Superior Court, and to no other after.

Appeals to the next ſup. court only, when allowable.

*And be it further enacted by the Authority aforeſaid*, That the ſaid Superior Court, and the ſaid reſpective County Courts, and Courts of Probate, ſhall have a proper Seal belonging to each of the reſpective Courts, to ſerve and uſe for all Cauſes, Matters, Things and Affairs proper for the ſaid Courts reſpectively. Each of which Courts are hereby impowered, to procure their reſpective Seals; and the ſame being ſo procured, ſhall be lodged with the Clerks of the reſpective Courts, to be improved by their Direction.

Seals for ſuperior, county & probate courts to be reſpectively provided, &c.

## An Act concerning ſudden or untimely Deaths.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when, and ſo often as any Perſon ſhall come to any ſudden, untimely, or unnatural Death, or be found dead in this State, the Manner of whoſe Death is not known, the next Aſſiſtant or Juſtice of the Peace, or in their Abſence the Conſtable of the Town, ſhall forthwith ſummon a Jury of twelve able and diſcreet Men, who ſhall be ſworn by ſuch Officer to enquire of the Cauſe and of the Manner of ſuch Perſon's Death; and ſhall preſent upon Oath a true Verdict thereof, under their Hands, unto ſome near Aſſiſtant or Juſtice of the Peace, who ſhall return the ſame to the next Superior Court in the ſame County.

When any perſon is found dead, &c.

Jury of inqueſt.

And if any Man ſummoned to ſerve as a Juror to enquire as aforeſaid, ſhall refuſe or neglect to appear and attend that Service, according to Summons, he ſhall forfeit the Sum of *Ten Shillings* for every ſuch Neglect, to the Uſe of the Treaſury of the Town whereto he belongs: To be levied by Warrant from any Aſſiſtant or Juſtice of the Peace before whom ſuch Juror ſhall be convicted of ſuch Refuſal or Neglect. And that no Fee or Reward ſhall be allowed for any of the Services aforeſaid.

Penalty on jurors refuſing, &c.

## An Act concerning Book Debts.

Book debts out-lawed after ſeven years, if the debtor, &c. be dead.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all ſuch Book Debts as are now out-ſtanding or that ſhall hereafter be made, and that ſhall not within ſeven Years next after the contracting of ſaid Debt, be either ſued for, balanced, or accounted for with the original Debtor, his Attorney, Agent, Aſſignee, or other lawful Succeſſor or Subſtitute, and an Account or Balance thereof aſſured by ſpecialty given for it, or witneſſed by ſubſcribing the Debtor or Accomptant's Name to the Creditor's Book, or by the Subſcription of two Witneſſes to ſuch Account, ſhall not, if the original Debtor be dead, be recoverable in any Court in this State.

Proviſo.

*Provided,* That the Time that this State ſhall have been engaged in War, ſhall not be computed in ſaid Limitation.

Mode of evidence.

And that in all Actions on Book Debts, that ſhall be tried by a Jury, the Jury ſhall well weigh and conſider the Credit of the Parties or any other Perſons intereſted, admitted by the Court to take the Oaths in or out of the Court, in ſuch Caſes and ſuch Form, as Teſtimonies in other Caſes are by Law allowed, together with any other Evidence given them, and all the other Circumſtances attending ſuch Caſes; and upon their Oaths ſhall give their Verdict thereon for what they ſhall find juſtly due upon their Evidence.

Balance may be recovered in favour of the defendant.

That in every Action of Debt brought on Book, wherein it ſhall appear upon Trial, that the Plaintiff in the Action, is in Arrear or in Debt to the Defendant to balance Book Accounts; the Court, Aſſiſtant or Juſtice of the Peace, before whom the Trial ſhall be, ſhall give Judgment for the Defendant, to recover the ſame of the Plaintiff, together with his juſt Coſts.

Proviſo.

*Provided,* That no Aſſiſtant, or Juſtice of the Peace, ſhall in ſuch Caſe, give Judgment for the Recovery of ſuch Balance when the ſame ſhall exceed *Four Pounds.*

When the defendant neglects to appear, &c. no coſts to be allowed him in an after ſuit, unleſs, &c.

*And be it further enacted by the Authority aforeſaid,* That if any Defendant in Action of Debt on Book, brought againſt him, before any Court, Aſſiſtant, or Juſtice of Peace in this State, ſhall neglect to exhibit his Account on Trial, to be adjuſted as aforeſaid, and ſhall afterwards bring Action againſt the other Party, for the Recovery of any ſuch Articles of Book Debt as might have been adjuſted and ſettled in the Trial of the former Action, if he recover Judgment for ſuch Debt, he ſhall not be allowed any Coſt; unleſs he make it appear to the Satisfaction of the Court, Aſſiſtant, or Juſtice, before whom the Trial is, that he had no Knowledge of the former Suit, before the Time of Trial, or was inevitably hindred from appearing and exhibiting his Account as aforeſaid.

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## An Act for the Recovery of Debts, out of the Eſtate or Effects of abſent, or abſconding Debtors.

Preamble.

*FOR the better preventing Fraud and Deceit, ſometimes deſigned and practiſed by ill-minded Debtors, who betruſt their Goods, Eſtate or Effects in the Hands of others, with Intent to reſerve and ſecure the ſame to their own Uſe, and thereby defeat their Creditors of their juſt Dues; or they not being Inhabitants within this State, conceal their Goods and Effects ſo that they cannot be attached or be made liable to the Payment of their Creditors by any ordinary Proceſs of Law:*

BE

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for any Creditor, to cauſe the Lands, Goods or Effects of his abſent or abſconding Debtors, not reſiding within this State, to be attached in whoſoever Hands or Poſſeſſion the ſame are or may be found: And the attaching of any Part thereof, ſhall ſecure and make the Whole that is in ſuch Perſon's Hands liable in the Law to reſpond the Judgment to be recovered upon ſuch Proceſs, and ſhall be ſubject to be taken in Execution for Satisfaction thereof, as far as the Value thereof will extend. And the Perſon in whoſe Hands any ſuch Lands, Goods or Effects are, ſhall accordingly expoſe the ſame.

Effects of abſconding debtors attachable in the hands of agent, &c.

That where no Lands, Goods or Effects of any abſent or abſconding Debtor, in the Hands of his Attorney, Factor, Agent or Truſtee ſhall be expoſed to View, or can be found or came at, ſo as to be attached, it ſhall and may be lawful for any Creditor to bring his Action againſt his abſent or abſconding Debtor, for the Recovery of his dues. In which Caſe the Creditor, by ſome proper Officer, ſhall leave an atteſted Copy of his Writ, at leaſt fourteen Days before the Time of Trial, with ſuch abſent or abſconding Debtor's Attorney, Factor, Agent or Truſtee, or at the Place of his or their uſual Abode; which Service ſhall be a ſufficient Citation for the Creditor to bring forward his Action to Trial: Unleſs the Debtor be an Inhabitant of this State, or hath for ſome Time dwelt therein; in which Caſe a like Copy ſhall be left by ſuch Officer at the Dwelling-Houſe, Lodging or Place of his laſt or uſual Abode.

How ſuit is to be inſtituted, when eſtate is not to be come at.

That ſuch Attorney, Factor, Agent or Truſtee, upon his Deſire, ſhall be admitted to defend his Principal in ſuch Suit, through the Courſe of Law, according to the Nature of the Action. But if the Debtor be not in this State, and no Attorney, Factor, Agent or Truſtee appear to defend in the Suit, the Court ſhall continue the Action to the next Court, and then if need be, ſhall continue the ſame once more to the next Court, (that ſuch Attorney, &c. may have Opportunity to notify his Principal) and then without ſpecial Matter alledged and allowed in Bar, or Abatement, the Action ſhall come to Trial; and if Judgment be rendered for the Plaintiff, all the Goods or Effects which are in the Hands of ſuch Attorney, Factor, Agent or Truſtee, to the Value of ſuch Judgment, (if ſo much there be) ſhall be liable, and ſubjected to Execution granted upon ſuch Judgment for, or towards the ſatisfying the ſame; and from the Time of ſerving the Writ or Summons, as aforeſaid, ſhall be liable, and be ſecured in Law in the Hands of, and may not otherwiſe be diſpoſed of by ſuch Attorney, Factor, Agent or Truſtee.

Debtor's agent may defend his principal, &c.

And if ſuch Attorney, Factor, Agent or Truſtee, after the Time of his being ſerved with a Writ or Summons, as aforeſaid, taken out againſt his Principal, (being an abſent or abſconding Debtor) ſhall transfer, remit, diſpoſe of, or convert any of the Goods or Effects of ſuch Debtor in his Hands at the Time of ſuch Service within what ſhall ſatisfy the Judgment given as aforeſaid; or that ſhall not diſcover, expoſe, or ſubject the Goods or Effects of ſuch Debtors in his Hands to be taken in Execution, for, and towards the ſatisfying the Judgment ſo far, as what in his Hands or Poſſeſſion will extend, ſhall be liable to ſatisfy the ſame of his own proper Goods or Eſtate, as much as if it were his own proper Debt: And a Writ of *Scire Facias* may be taken out from the Clerk of the Court where the Judgment was given, to be ſerved upon ſuch Attorney, Factor, Agent or Truſtee, requiring him to appear before ſuch Court, and to ſhew Cauſe, if any he have, to the contrary thereof; and upon Default of Appearance of ſuch Attorney, Factor, Agent or Truſtee, or Refuſal to diſcloſe upon his Oath, (which Oath ſuch Court is hereby authorized to adminiſter) what Goods or Effects of the Debtor are, or were in his Hands or Poſſeſſion, then Judgment ſhall be

When the agent, &c. is liable to pay out of his own eſtate.

entered up againſt him of his own proper Goods or Eſtate, as though it was his own Debt, and Execution ſhall, in uſual Form of Law, be granted thereon.

Debts liable to be taken as well as the effects of abſconding debtors.

That Debts due to any ſuch abſent or abſconding Debtor, ſhall be conſidered as his Effects in the Hands of the Perſon from whom the ſame are due; who ſhall be conſidered as his Agent or Truſtee, and be obliged to account for the ſame under Oath; and Recovery may be had againſt him in the ſame Manner as for Goods or Chattles of ſuch abſconding Debtor.

Proviſo.

*Provided neverthelefs*, That if upon Trial, it appear that the Perſon ſummoned by ſuch *Scire Facias*, had, or hath not, any Goods or Effects of the Debtor in his Hand, nor hath any ways remitted, transferred, diſpoſed of, or converted the ſame after the ſerving the Suit taken out againſt his Principal, and ſerved as aforeſaid; the Party that commenced the Suit by *Scire Facias*, ſhall pay Coſt to ſuch Attorney, Factor, Agent or Truſtee, to be allowed and taxed by the Court in uſual Form.

Effects thus taken out of the hands of the factor, &c. ſhall diſcharge him from the principal.

*And be it further enacted by the Authority aforeſaid*, That the Goods or Effects of any abſent or abſconding Debtor, taken as aforeſaid, by Proceſs and Judgment of Law out of the Hands of his Attorney, Factor, Agent or Truſtee, by any of his Creditors, ſhall fully acquit and diſcharge ſuch Attorney, Factor, Agent or Truſtee, his Executors and Adminiſtrators, from all and every Action, Suit, Trial, Payment and Demand whatſoever, that may be brought, commenced or made by his Principal, his Executors or Adminiſtrators, of, or for the ſame.

And he may plead the general iſſue, & give this act in evidence.

And if any ſuch Factor, Agent or Truſtee, his Executors or Adminiſtrators, ſhall be moleſted, troubled or ſued by his Principal, for any Thing by him done, in Compliance with this Act, he or they may plead the general Iſſue, and give this Act in Evidence for his Juſtification.

## An Act for the Preſervation and increaſe of Deer; and for the Encouragement of keeping them in Parks, or other Incloſures.

Preamble.

*WHEREAS the killing of Deer at unſeaſonable Times of the Year, is very Prejudicial to the public Good; the Fleſh and Skins being then but of little Value, and their Increaſe greatly hindered:*

Penalty for killing deer in certain ſeaſons.

*BE it therefore enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Perſon or Perſons, Indian or others, ſhall kill any Deer within this State, at any Time in the Months of *January*, *February*, *March*, *April*, *May*, *June* or *July*, on Penalty of paying a Fine of *Four Pounds*; one Half to any Perſon that ſhall give Information thereof, and proſecute the ſame to Effect, and the other Half to the Treaſury of the Town where the Conviction is had. And any one Aſſiſtant, or Juſtice of the Peace, is hereby authorized to hear and determine any Offences againſt this Act; and may grant Execution on ſuch Judgment, for the Fine and Coſt in common Form: Or if the Perſon be unable to pay the ſame, the ſaid Authority may diſpoſe of him in Service for that Purpoſe, for a Term not exceeding four Months.

Upon complaint, ſearch warrant to iſſue, &c.

And it ſhall and may be lawful for any Aſſiſtant or Juſtice of the Peace, on juſt Suſpicion being ſhewn that any Deer hath been killed contrary to this Act, to grant a Warrant to ſearch for the Veniſon or Skins, in the ſame Manner as in the Caſe of ſtolen Goods, that ſuch Offenders may be detected.

And in Caſe any Veniſon or Skins of any Buck, Doe or Fawn, newly killed, ſhall be found with or in the Poſſeſſion of any Perſon, he ſhall be

judged

judged guilty of killing ſuch Deer; unleſs ſuch Perſon can ſatisfy the Authority before whom the Trial is, of his Innocency, by giving a ſatisfactory Account how the ſame came into his Poſſeſſion, and that he did not kill ſuch Deer, nor was aiding or aſſiſting therein.

And if veniſons, &c. is found in the poſſeſſion of any one, liable, unleſs, &c.

And the Grand Jurors in the reſpective Towns, ſhall enquire after, and inform of all Breaches of this Act: And on Conviction of the Perſon or Perſons informed againſt, ſhall be entitled to one Half of the Penalty aforeſaid.

Who to make preſentment.

*Provided*, That nothing in this Act ſhall be underſtood to prohibit Perſons killing their own Deer, by them kept in Parks or Incloſures.

Proviſo.

*And whereas ſundry Perſons in this State, have erected Parks or Incloſures for keeping and preſerving Deer, which is likely to be for the Public Good, and more may be erected for the ſame Purpoſe:*

Therefore, For the Encouragement and Security thereof,

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall kill or deſtroy any Buck, Doe or Fawn kept in any Park or Incloſure in this State; or ſhall courſe, chaſe, hunt or wound any ſuch Deer; or ſhall wilfully pull up or throw down any Fence, Gates or Bars incloſing ſuch Park or Incloſure whereby ſuch Deer may eſcape, without Leave from the Owner or Owners thereof; or ſhall be aiding or aſſiſting therein, every ſuch Perſon or Perſons ſhall, for every ſuch Treſpaſs in killing or deſtroying ſuch Deer, forfeit and pay to the Owner or Owners thereof *Seven Pounds*, beſides the Price of ſuch Deer ſo killed or deſtroyed.

Penalty of 7l. for killing deer in any park, &c.

And for every ſuch Treſpaſs in courſing, chaſing, hunting, or wounding ſuch Deer, whether ſuch Deer be found without or within the Park, if it ſhall appear that the Perſon committing ſuch Treſpaſs knew, or had good Reaſon to think that ſuch Deer belonged to the Owner of the Park, ſhall forfeit and pay, as aforeſaid, the Sum of *Thirty Shillings*, beſides all ſuch Damages as ſhall be ſuſtained by ſuch courſing, chaſing, hunting or wounding.

30s. for chaſing, &c.

And for every ſuch Treſpaſs in ſo pulling up, opening or throwing down any Fence, Gates or Bars, as aforeſaid, ſhall forfeit and pay to the Owner or Owners of ſuch Park or Incloſure, the Sum of *Thirteen Pounds*, beſides all ſuch Damages as ſhall accrue thereby.

13l. for breaking the incloſure of any park, &c.

*And for further Encouragement of keeping Deer in Parks, and to prevent their being deſtroyed when by any Accident they get out of the Park*;

*Be it further enacted*, That no Perſon ſhall courſe, chaſe or kill any Deer within two Miles of any Park wherein Deer are kept, except the Owner of the Park or by his Licence, on Pain of forfeiting *Ten Pounds* to the Owner of ſuch Park.

10l. fine for chaſing, &c. any deer within two miles of any park.

Which ſeveral Penalties, Forfeitures and Damages, ſhall and may be recovered by Action, Bill, Plaint or Information.

Recoverable by bill, &c.

Upon Conviction of the Treſpaſſer or Treſpaſſers, and in the Trial of any and every Action brought for any of the Treſpaſſes in this Act mentioned, relating to Parks, or the Deer in them, the Court before whom ſuch Caſe ſhall be brought, may proceed according to the Method provided in the ſixth Paragraph of the Law, entitled, "*An Act for detecting and puniſhing* "*Treſpaſſes in divers Caſes, and directing Proceedings therein.*"

Trial to be had in the ſame manner as directed in the law againſt treſpaſſes, &c.

*Provided neverthelefs*, That if the Defendant in any ſuch Action be an Indian, or other Perſon ignorant of the Nature of an Oath, then ſuch Court ſhall refuſe his Oath to diſcharge him, and ſhall proceed on the Defendant's Part to enquire according to, and by any other proper Evidence that may be produced by the Defendant.

Proviſo.

## An Act for the Puniſhment of Defamation.

Preamble.

*WHEREAS Defamation and Slander is a growing Evil, and tends much to the Diſturbance of the Peace:*

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall defame or ſlander any Perſon or Perſons whatſoever, and be thereof legally convicted before any Court in this State, ſhall pay a Sum not exceeding *Ten Pounds*, as a Fine to the public Treaſurer of the County in which ſuch Offence is committed, and the Perſon or Perſons ſlandered, ſhall have ſuch Coſts and Damages, as the Court and Jury that have Cognizance of the ſaid Caſe ſhall judge to be reaſonable and juſt.

Perſons that defame others to pay a fine, not exceeding 10l. to the county treaſury, and damages.

And that if any *Negro*, *Indian*, or *Molatto-Slave* ſhall utter, publiſh or ſpeak ſuch Words of or concerning any other Perſon that would by Law be actionable if uttered, publiſhed or ſpoken by any free Perſon of or concerning any other; ſuch *Negro*, *Indian*, or *Molatto-Slave* being thereof convicted before any one Aſſiſtant or Juſtice of the Peace, (who are hereby impowered to hear and determine the ſame) ſhall be puniſhed by whipping on the naked Body, at the Diſcretion of the Aſſiſtant or Juſtice of the Peace before whom the Trial is, (Reſpect being had to the Circumſtances of the Caſe) not exceeding forty Stripes. And ſuch Slave ſo convicted, ſhall by ſuch Authority be ſold or diſpoſed of to defray all Charges ariſing thereupon; unleſs the ſame be by his or her Maſter or Miſtreſs paid and anſwered.

If Negroes, Indians or Molattoes offend, &c. to be whipt, & ſold to defray charges; unleſs, &c.

*Provided nevertheleſs*, That ſuch Slave be not debarred from making ſuch Pleas, and offering ſuch Evidences in his, her or their Defence or Juſtification on ſuch Trial, as any other Perſon might make Uſe of being ſued in an Action of Defamation, ſo far as relates to the Trial before ſaid Aſſiſtant or Juſtice.

Proviſo.

*And whereas defaming the Civil Authority of the State greatly tends to bring the ſame into Contempt; and thereby to weaken the Hands of thoſe by whom Juſtice is to be adminiſtred:*

Which great Evil to prevent:

*Be it enacted by the Authority aforeſaid*, That whoever ſhall defame any Court of Juſtice, or the Sentence or Proceedings of the ſame; or any of the Magiſtrates, Judges, or Juſtices of any Court, in Reſpect of any Act or Sentence therein paſſed, and be thereof lawfully convicted before any of the General Courts, or Superior Courts in this State, ſhall be puniſhed for the ſame by Fine, Impriſonment, Diſfranchiſement or Baniſhment, as the Quality and Meaſure of the Offence, in the Opinion of the Court before whom the Trial is had, ſhall deſerve.

For defaming a court of juſtice, &c. to be fined, impriſoned, &c.

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## An Act for regulating the Choice of Delegates to repreſent this State in the Congreſs of the United States.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Freemen in the ſeveral Towns in this State, on the Day when they give in their Votes for the Nomination of the Honorable Council of this State, in *September* annually, ſhall prepare and give in alſo, in like Manner, their Votes or Suffrages, not exceeding Twelve each, for ſuch Gentlemen as they ſhall chooſe to repreſent the State as Delegates, in the Congreſs of the United States, the next Year; and the Votes being returned to the General Aſſembly in *October*, ſhall be ſorted and counted, and thoſe who ſtand higheſt in Nomination, to the Number of Twelve, ſhall be declared and publiſhed to ſtand in Nomi-

Freemen to chooſe delegates in Congreſs,

nation

nation for Election in *May* following, whereof the Freemen at their annual Meeting in *April*, ſhall proceed to chooſe ſeven Delegates; and on the Day of the General Election, by ſorting and counting the Votes returned, the ſame ſhall be determined; whereof any, not exceeding Four, nor leſs than Two, to attend as Members of Congreſs, in Behalf, and at the Expence of this State.

Delegates accountable to, & removeable by the aſſembly.

*And it is further enacted by the Authority aforeſaid*, That the Delegates from this State, whether choſen in Manner aforeſaid, or by the General Aſſembly as hereafter provided, ſhall be accountable and anſwerable to this Aſſembly for their Conduct from Time to Time, and be liable to be recalled in Caſe ſaid Aſſembly ſhall judge fit.

Time of entering on, & continuance in office.

*Be it further enacted*, That the Delegates ſo choſen, ſhall enter upon their Offices on the firſt Monday of *November*, next enſuing their Election, and continue in the ſame for the Term of one Year thence next enſuing. Always provided, That Delegates may be choſen by the General Aſſembly to repreſent this State in Congreſs, until their Places may be ſupplied in the Manner in this Act directed; any Thing in this Act before contained notwithſtanding.

Proviſo.

Provided always, That in Caſe of Death, Reſignation, Refuſal or Revocation, the General Aſſembly may ſupply ſuch Vacancy as may ſo happen.

## An Act concerning Delinquents.

Delinquents to be tried by a jury.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Perſons proſecuted for any Matter of Delinquency, before the Superior or County Court, ſhall have Liberty to be tried by a Jury, if deſired.

Where the penalty exceeds not 40s. triable by an aſſiſtant or juſtice.

That when any Perſon or Perſons ſhall be brought before any Aſſiſtant or Juſtice of the Peace, for any Matter of a criminal Nature, ſuch Authority is hereby fully impowered to hear and determine the ſame, where the Penalty does not exceed the Sum of *Forty Shillings*.

But if it exceeds the juriſdiction of a juſtice, to be bound over, &c.

But if by Law ſuch Matter is not determinable by a ſingle Miniſter of Juſtice, ſuch Authority ſhall recognize with Surety, ſuch Perſon or Perſons, if bailable, to appear before the Court proper to try and determine the ſame: And for want of ſufficient Bail to commit him or them to Gaol, for the Purpoſe aforeſaid; and alſo to commit to Gaol all ſuch as are not by Law bailable, that they may be brought to Juſtice.

Appeal allowed to the county court, except, &c.

Proviſo.

That when any Perſon ſhall be condemned in any Matter of a criminal Nature, before an Aſſiſtant or Juſtice of the Peace, (except for Drunkenneſs, prophane Swearing, Curſing, or Sabbath-breaking) he ſhall have Liberty of an Appeal to the next County Court; provided he give ſufficient Security for his Appearance, and for the abiding the Judgment that may be given by the County Court therein.

Witneſſes refuſing, &c. to be committed

And if any Perſon who ſhall be required to appear and give his Evidence, upon the Trial or Examination of any Delinquent or Criminal, or an Offender againſt any penal Law, ſhall refuſe to appear, or make Oath to declare his Knowledge in the Caſe, the Court, Aſſiſtant, or Juſtice holding ſuch Trial, may apprehend and commit the Perſon ſo refuſing to Gaol, there to remain at his own Coſt, till he ſhall give Evidence as aforeſaid.

Proviſo.

*Provided always*, That ſuch Evidence ſhall at no Time be conſtrued to his Prejudice.

In what caſes perſonal knowledge ſufficient for conviction.

And that when any Aſſiſtant or Juſtice of the Peace, ſhall have plain View, or perſonal Knowledge of any Perſon's being guilty of Drunkenneſs, prophane Swearing, Curſing, or Sabbath-breaking, it ſhall be accounted good and ſufficient Evidence in the Law, for ſuch Aſſiſtant or Juſtice to make up a Judgment againſt ſuch Perſon or Perſons offending, when guilty

of

of any of the ſaid Crimes, having firſt cauſed ſuch Perſons to be brought before him.

No perſon to plead, &c. without leave.

*And be it further enacted by the Authority aforeſaid*, That no Perſon ſhall plead in Behalf of any Perſon or Perſons that are upon Examination or Trial for Delinquency, without Leave from the Court, Aſſiſtant, or Juſtice before whom ſuch Trial is.

Puniſhable for contempt, &c.

And if any Perſon or Perſons upon his or their Examination or Trial for Delinquency, or any other Perſon not under Examination or Trial as aforeſaid, in the Preſence of any Court, ſhall either in Words or Actions behave contemptuouſly or diſorderly, it ſhall be in the power of the Court, Aſſiſtant, or Juſtice to inflict ſuch Puniſhment upon him or them as they ſhall judge moſt ſuitable to the Nature of the Offence. *Provided*, That no ſingle Miniſter of Juſtice ſhall inflict any other Puniſhment upon ſuch Offenders than Impriſonment, binding to the Peace or good Behaviour to the next County Court, putting them in the Stocks, there to ſit not exceeding two Hours, or impoſing a Fine, not exceeding *Thirty Shillings*.

Proviſo.

Sheriffs, &c. to do execution, &c.

And when any Sheriff, Deputy-Sheriff, or Conſtable ſhall receive a Warrant from any Court, Aſſiſtant or Juſtice that hath lawful Cognizance of the Offence, to do Execution of a Judgment by them given againſt any Criminal or Delinquent, ſuch Officer ſhall proceed according to the Direction of ſuch Warrant to do Execution himſelf, or by ſome meet Perſon by him to be procured, to the Acceptance of the Court granting ſuch Warrant; and for doing Execution as aforeſaid, a reaſonable Satisfaction ſhall be made, as the Court, Aſſiſtant, or Juſtice ſhall allow; which ſhall be taxed as Part of the Coſt againſt ſuch Delinquent, and ſhall be paid, as in this Act is provided for the Payment of the Charges of Proſecution.

Proviſo.

Provided nevertheleſs, *and be it enacted by the Authority aforeſaid*, That no Perſon ſhall be twice ſentenced for one and the ſame Crime, Treſpaſs, or Offence; and that no bodily Puniſhment that is inhuman, barbarous, or cruel, ſhall be inflicted on any Perſon.

Delinquents, to pay coſts, whether guilty or not, except, &c.

*And be it further enacted by the Authority aforeſaid*, That all Perſons who ſhall for any Matter of Delinquency, or of a criminal Nature, be informed againſt, complained of, indicted, or any ways proſecuted by any informing Officer legally appointed and ſworn for that Purpoſe, ſhall pay all the neceſſary Coſt ariſing upon ſuch Proſecution before they ſhall be diſcharged; whether on Trial of the Caſe they ſhall be found guilty, or not, if it ſhall appear to the Court, Aſſiſtant, or Juſtice of the Peace before whom the Proſecution ſhall be, that the ſame was occaſioned by any unlawful or blameable Conduct of the Perſon or Perſons accuſed; but in every Caſe where a Bill is preſented to a Grand-Jury, and by them returned not a true Bill, and in every other Caſe, whether an Indictment by a Grand-Jury, or other Information, it ſhall appear to the Satisfaction of the Court, Aſſiſtant or Juſtice, that ſuch Indictment or Information was occaſioned by Miſtake, or without any faulty Conduct of the Perſon or Perſons accuſed, ſuch Perſon or Perſons ſhall be diſmiſſed without paying Coſt; and the neceſſary Coſt ariſen ſhall be paid out of the Treaſury into which the Fine ſhould have been paid, had the Criminal been fined upon ſuch Proſecution.

Not having eſtate to pay the coſt, how the ſame is to be paid.

And that when any Perſon proſecuted as aforeſaid, who ought to pay the Coſt of his Proſecution, ſhall not have Eſtate to pay the ſame, it ſhall and may be lawful for the Court, Aſſiſtant or Juſtice, before whom ſuch Proceſs ſhall be, to diſpoſe of any ſuch Perſon in Service to any Inhabitant of this State, or of the United States, for ſo long a Time as ſhall be neceſſary to procure Money ſufficient to pay ſuch Coſt: But when ſuch Charges cannot be obtained out of the Eſtate or Service of any Perſon proſecuted

as aforeſaid, ſuch Charges, if the Trial be in the Superior Court, ſhall be paid out of the State Treaſury; and if ſuch Proſecution be in the County Court, the Coſt ſhall be paid out of the County Treaſury; and if before an Aſſiſtant or Juſtice of the Peace, the Coſt ſhall be paid out of the Town Treaſury.

Coſts, &c. how paid.

And in Caſe Coſt ſhall ariſe on any Proceedings, or Purſuit of any Perſon informed againſt by any Informing Officer, and ſuch Perſon cannot be apprehended, or being apprehended ſhall, without Fault of the Officer, eſcape, before he is committed to Priſon, or bailed; if the Crime of which ſuch Perſon is accuſed is cognizable by the Superior Court, the Coſt ſhall be paid out of the State Treaſury; and if cognizable before the County Court, the Coſt ſhall be paid out of the County Treaſury; and ſaid Courts reſpectively (having allowed ſuch Coſt) ſhall give Order for the Payment thereof accordingly, in every of the Caſes aforeſaid.

Proſecutions triable before ſuperior court coſts to be paid out of the ſtate treaſury, county court, county treaſury.

## An Act for taking up and ſecuring Deſerters, and for puniſhing thoſe who ſhall conceal them.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That if any Soldier or Mariner regularly inliſted into, or taken or retained in the Service of this State, or of the United States of *America*, ſhall deſert ſaid Service, and be found within this State, it ſhall be the Duty of any and every Perſon that ſhall have Knowledge or Information thereof, and eſpecially of the Conſtables and Grand-Jurors in the ſeveral Towns in this State, to give Notice thereof to the next Aſſiſtant or Juſtice of the Peace, who ſhall by proper Warrant under his Hand, cauſe ſuch Deſerter forthwith to be apprehended and returned to his Commander, or the Place where he was ſtationed, or committed to the Goal of the County where he ſhall be taken, and ſend Intelligence thereof as ſoon as may be to his commanding Officer in ſuch Way as will be attended with the leaſt Expence.

Deſerters to be taken up, &c.

That if any Perſon ſhall harbour or conceal any ſuch Deſerter, knowing him to be ſuch, ſuch Perſon ſhall forfeit and pay a Fine not exceeding *Fifteen Pounds*, for the Uſe of the Treaſury of this State, or be impriſoned not exceeding two Months, at the Diſcretion of the County Court which ſhall have Cognizance of the Offence.

Penalty for concealing deſerters.

## An Act relating to Bills of Divorce.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Bill of Divorce ſhall be granted to any Man or Woman, lawfully married, but in Caſe of Adultery, or fraudulent Contract, or wilful Deſertion for three Years with total Neglect of Duty; or in Caſe of ſeven Years abſence of one Party not heard of: After due Enquiry is made, and the Matter certified to the Superior Court, in which Caſe the other Party may be deemed and accounted ſingle and unmarried. And in that Caſe, and in all other Caſes aforementioned, a Bill of Divorce may be granted by the Superior Court to the aggrieved Party; who may then lawfully marry or be married again.

In what caſes bills of divorce are obtainable.

## An Act for preventing Miſchief by Dogs.

*WHEREAS much Damage has been occaſioned in ſundry Parts of this State by Dogs; and of late, in divers Towns in this State, they appear to be attended*

Preamble.

*tended with an uncommon Diſeaſe, indicating Madneſs; by Meaus whereof many People have already ſuſtained much Damage, and are greatly endangered and expoſed to ſuffer much more, unleſs proper Meaſures are taken to prevent the ſame.*

Select-men with advice of an aſſiſtant or juſtice, to grant orders for reſtraining of dogs.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Authority and Select-men of the ſeveral Towns in this State, or the major Part of them; or the major Part of the Select-men in ſuch ſeveral Towns, with the Advice of any one Aſſiſtant or Juſtice of the Peace, ſhall have full Power and Authority, and they are hereby authorized and impowered to make all neceſſary Rules, Orders and Regulations (whenever they ſhall judge the Inhabitants of the State, their Perſons or Properties ſhall be in Danger) for the confining, reſtraining, killing or deſtroying of Dogs belonging to, or found within their reſpective Towns, as they ſhall judge reaſonable for the effectual Security of ſuch Inhabitants: The ſame to be publiſhed, and a Notification thereof ſet up in Writing, in three of the moſt public Places in ſuch Town wherein ſuch Order ſhall be made, and not leſs than One in each Society therein.

Penalty on ſuch as do not conform to their order.

*And be it further enacted by the Authority aforeſaid,* That when ſuch Orders or Rules ſhall be ſo made and publiſhed as aforeſaid, all Perſons ſhall accordingly conform thereto, and obey ſuch Rules or Orders, on pain that every Perſon who ſhall offend againſt, or not obey ſuch Rules or Orders, ſhall forfeit the Sum of *Forty Shillings*, one Half to him who ſhall proſecute the ſame to Effect, and the other Half to the Treaſurer of the Town where ſaid Offence ſhall be committed: And that all ſuch Dogs as ſhall not be confined or reſtrained within ſuch Rules and Orders, made as aforeſaid, may be liable to be killed and deſtroyed, by any Perſon or Perſons whatever: And if any ſuch Perſon ſhall be ſued or proſecuted for the ſame, he may plead not guilty, and give this Act in Evidence, unleſs ſuch Perſon commencing and proſecuting any ſuch Action as aforeſaid, ſhall prove, to the Satisfaction of ſuch Court, before whom any ſuch Trial may be had, that he had fully complied with ſuch Orders and Rules as aforeſaid.

Proviſo.

*Provided nevertheleſs,* That nothing in this Act ſhall be underſtood or conſtrued to reſtrain or prevent any Perſon from killing or deſtroying any Dog found mad, or ſuſpected to be mad; or otherwiſe ſhall be found doing Miſchief, or attempting to do the ſame, when alone, out of the Poſſeſſions of his Owner, and diſtant from the Care and Command of any Perſon having the Charge of ſuch Dog; any Thing in this Act, or any other Act to the contrary notwithſtanding.

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## An Act concerning the Dowry of Widows.

*THAT there may be ſuitable Proviſion made for the Maintenance and comfortable Support of Widows, after the Deceaſe of their Huſbands:*

Widows to have a third of the real eſtate of their huſband.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That every married Woman, living with her Husband in this State, or abſent elſewhere from him with his Conſent, or through his meer Default, or by inevitable Providence; or in Caſe of Divorce where ſhe is the innocent Party, that ſhall not before Marriage be eſtated by Way of Jointure in ſome Houſes, Lands, Tenements or Hereditaments for Term of Life; or with ſome other Eſtate in lieu thereof, ſhall immediately upon, and after the Death of her Husband, have Right, Title and Intereſt by Way of Dower, in and unto one third Part of the real Eſtate of her ſaid deceaſed Husband, in Houſes and Lands which he ſtood poſſeſſed of in his own Right, at the Time of his Deceaſe, to be

to

to her during her natural Life: The Remainder of the Eſtate ſhall be diſpoſed of according to the Will of the Deceaſed; and where there is no Will, according to Law.

*And for the more eaſy, and ſpeedy aſcertaining ſuch Rights of Dower:*

*It is further enacted by the Authority aforeſaid*, That upon the Death of any Man poſſeſſed of any real Eſtate, as aforeſaid, which his Widow by this Act, as above expreſſed hath a Right of Dower in, if the Perſon, or Perſons that by Law have a Right to inherit ſaid Eſtate, do not within ſixty Days next after the Death of ſuch Husband, by three ſufficient Freeholders of the ſame County; to be appointed by the Judge of Probate, (in whoſe Diſtrict the Eſtate doth lie) and ſworn for that Purpoſe, ſet out, and aſcertain ſuch Right of Dower, that then ſuch Widow may make her Complaint to the Judge of Probate in whoſe Diſtrict the Eſtate lyeth; Which Judge ſhall Decree, and Order that ſuch Woman's Dowry ſhall be ſet out, and aſcertained by three ſufficient Freeholders of the County: who ſhall be ſworn faithfully to proceed, and act therein according to their beſt Skill: And the ſaid Dowry being ſet out, and aſcertained in either of the Methods aforeſaid, the Doings of ſuch Freeholders ſhall be returned to the Judge who ordered the Dower, to be ſet out, as aforeſaid; and upon Approbation thereof by the ſaid Judge, ſuch Dower ſhall remain fixed, and certain: And all Perſons concerned therein ſhall be concluded thereby.

Widows part to be ſet out in 60 days after they become widows.

And every Widow ſo endowed, as aforeſaid, ſhall maintain all ſuch Houſes, Buildings, Fences, and Incloſures as ſhall be aſſigned, and ſet out to her for her Dowry; and ſhall leave the ſame in good and ſufficient Repair.

to keep eſtate in repair.

And if ſuch Widow ſhall not maintain, and keep in Repair ſuch Houſes, Buildings, Fences, and Incloſures aſſigned her, as aforeſaid, it ſhall be in the Power of the County Court of the County in which the Eſtate is, upon Application to them made, to deliver ſo much of the ſaid Houſes and Lands to the next Heir of the ſame, and for ſo long a Term as in their Judgment ſhall be ſufficient, out of the Rents or Profits thereof, to repair ſuch Defects; unleſs ſuch Widow will give good Security for the leaving ſuch Houſes, Buildings, Fences and Incloſures in ſufficient Repair.

County court may take away the dower unleſs, &c.

## An Act for the Puniſhment of Drunkenneſs.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon ſhall be found drunken, ſo that he be thereby bereaved, and diſabled in the Uſe of his Reaſon and Underſtanding, appearing either in his Speech, Geſture or Behaviour; and be thereof convicted, he ſhall forfeit as a Fine, the Sum of *Eight Shillings*, to the Treaſury of the Town where the Offence is committed, for the Uſe of the Poor therein: and for want of Goods whereon to make Diſtreſs, the Offender or Offenders ſhall be ſet in the Stocks, there to remain not exceeding three Hours, nor leſs than one Hour.

Penalty for perſons found drunk.

## An Act to prevent the Practice of Duelling.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon within this State, ſhall challange the Perſon of another, or ſhall accept any ſuch Challenge to fight at Sword, Piſtol, Raper, or other dangerous Wea-

pon, ſuch Perſon ſo challenging or accepting, ſhall forfeit and pay into the Treaſury of this State, for every ſuch Offence, (being thereof convicted before the Superior Court, by the Teſtimony of one or more credible Witneſſes, Confeſſion of the Party offending, or other ſufficient Evidence) the Sum of *One Thouſand Pounds*, and ſhall alſo find ſufficient Sureties to the Acceptance of ſuch Court, for his Good-behaviour during Life; and ſuch Perſon ſhall alſo be diſabled ever after, from holding any Office of Profit or Honor under this State; and if ſuch Convict ſhall be unable or neglect to pay the ſaid Forfeiture, he or they ſhall be cloſely impriſoned for the Term of one full Year.

Penalty for challenging, or accepting a challenge to fight a duel.

*Be it further enacted*, That if any Perſon or Perſons ſhall willingly or knowingly carry or deliver any written Challenge, or verbally deliver any Meſſage, meant as, or purporting a Challenge, or ſhall be preſent at the fighting any Duel as aforeſaid, as a Second, or Aid, or give Countenance thereto; he or they being convicted as aforeſaid, ſhall ſuffer the ſame Forfeitures, Pains, Penalties and Diſabilities as aforeſaid; ſaving only finding Sureties for Good-behaviour during Life, as before provided.

Penalty for carrying a meſſage, &c.

## An Act for regulating the Election of the Governor, Lieutenant-Governor, Aſſiſtants, &c.

Conſtables to warn the freemen to meet yearly, &c.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Conſtables in the ſeveral Towns in this State, without further Order, ſhall warn all the Freemen in their reſpective Towns, to meet together yearly; *That is to ſay*

In the Counties of *Hartford*, *New-Haven*, *Fairfield* and *Litchfield*, on the third *Tueſday* of *September*.

And in the Counties of *New-London* and *Windham*, on the ſecond *Tueſday* of *September*, about nine of the Clock in the Morning, at ſome convenient Place where they have uſually been held, when and where they ſhall firſt chooſe Deputies or Repreſentatives to attend the General Court in *October* then next enſuing: And then every Freeman in each Town then preſent, ſhall give in his Vote or Suffrage for twenty Perſons (their Names being fairly written on a Piece of Paper) whom he judgeth qualified to ſtand in Nomination for Election in the Month of *May* next following. Which Votes or Suffrages ſhall be delivered to an Aſſiſtant or Juſtice of the Peace, (if any be preſent) otherwiſe to ſuch Conſtable as ſhall inhabit in the Town where ſuch Votes are given in; which Aſſiſtant, Juſtice or Conſtable, ſhall make Entry of the Names of all ſuch Perſons as the Freemen do vote for; with the Number of Votes that each Perſon hath. A Copy whereof the ſaid Aſſiſtant, Juſtice, or Conſtable in each Town ſhall ſend ſealed up, to the General Aſſembly in *October* next following, by the Deputy or Repreſentatives of ſuch Town.

When and where to chooſe repreſentatives, & twenty to ſtand in nomination.

At which Aſſembly all the Votes of the Freemen of this State ſhall be compared, and thoſe twenty Perſons who ſhall have the greateſt Number of Votes, ſhall be the Perſons whoſe Names ſhall be returned to the ſeveral Towns to be the Perſons nominated to ſtand for Election in *May* next following: Out of which Number the twelve Aſſiſtants ſhall be choſen. But the Freemen ſhall have Liberty to chooſe the Governor and Lieutenant-Governor, where they ſee Cauſe, of all or any Freemen within this State.

Votes compared at the aſſembly.

And all and every Conſtable ſhall attend this Order annually, on Penalty of forfeiting the Sum of *Four Pounds*, to the public Treaſury of the State for every Neglect thereof.

Penalty on conſtables for neglect.

*And be it further enacted by the Authority aforeſaid*, That the Election of Governor,

Governor, Lieutenant-Governor, Aſſiſtants, and ſuch other public Officers as ſhall be appointed to be choſen, ſhall by Proxy of the Freemen be attended and conſummated in the General Aſſembly to be holden at *Hartford*, upon the ſecond Thurſday of *May*, annually.

Election to be comſummated at the aſſembly in *May*

*And that the Election by Proxies may be ſo regulated and managed, as to prevent the uſing any Fraud or Deceit therein:*

*It is further enacted*, That the Secretary of the State, for the Time being, ſhall with the Acts and Orders of the General Court in *October*, yearly, ſend a Copy of the Names of all thoſe Perſons who are nominated as aforeſaid, to ſtand for Election as aforeſaid, to the Printer, in order that the ſaid Perſons Names may, with the ſaid Acts, be diſtributed to the ſeveral Towns in this State.

Secretary to ſend the nomination to the printer, &c.

And the ſeveral Conſtables in the reſpective Towns throughout this State, without further Order, on the Penalty aforeſaid, ſhall by themſelves, or ſome deputed by them, warn all the Freemen in their reſpective Towns, to convene at the Place where ſuch Meetings are uſually held, on the Monday next following the firſt Tueſday in *April*, annually, at nine of the Clock in the Morning; when and where they ſhall firſt chooſe Deputies to attend the General Court in *May* next following; where alſo ſhall be read to them the Freeman's Oath; the three laſt Paragraphs of this Act, and the Names of thoſe Perſons nominated to ſtand for Election: And then the Freemen ſhall proceed to bring in to the Civil Authority, (or if none be preſent) to the Conſtable or Conſtables preſent, the Name of him whom they would have for Governor for the Year enſuing, fairly written upon a Piece of Paper; which the ſaid Authority, or Conſtable or Conſtables ſhall receive, and in the Preſence of the Freemen ſeal up the ſame in a Piece of Paper, and write on the out-ſide of the Paper ſo ſealed, the Name of the Town; and then add theſe Words, viz. *Votes for the Governor*. In like Manner they ſhall proceed in bringing in, ſealing up, and writing upon their Votes for the Lieutenant-Governor, Treaſurer and Secretary. But before the Treaſurer and Secretary are voted for, the Freemen ſhall bring in their Votes for thoſe nominated to ſtand for Election; beginning with him that ſtands firſt in the Nomination, and bring in their Votes for him; which by the ſaid Authority, or Conſtable or Conſtables, ſhall be received, ſealed up, and written upon, as aforeſaid; inſerting the Name of the Perſon voted for; and ſo ſhall they proceed till they have paſſed through the whole Nomination. But no one Freeman to vote for more than twelve of the Number in Nomination to be Aſſiſtants.

Conſtables duty to warn the freemen to meet on Monday next after the firſt Tueſday in April annually, to chooſe repreſentatives for May ſeſſions.

Mode of voting for governor, &c.

Treaſurer.

Secretary.

And the Votes for Election of Aſſiſtants ſhall be a written Piece of Paper, (and no unwritten Piece of Paper ſhall be given in): And the Civil Authority or Conſtables who receive the Votes and ſeal them up as aforeſaid, ſhall by themſelves, or one of the Deputies of the Court, convey the ſaid Proxies to *Hartford*, and deliver them at the Election, as they ſhall be ordered, to thoſe Perſons who are appointed to receive, ſort, and count the ſaid Votes.

Aſſiſtants.

And at the Time of the Election (the Governor and Lieutenant-Governor being firſt choſen and declared) thoſe ſtanding in Nomination ſhall be put to Election in the ſame Order as they are propounded; after which thoſe twelve Perſons who ſhall have the greateſt Number of Votes, ſhall be the Aſſiſtants of this State for the Year then enſuing; and ſhall be ſo declared accordingly. And alſo Declaration ſhall be made of the Choice of the Treaſurer and Secretary.

Gov. and Lt. Governor to be firſt choſen and declared, and then the aſſiſtants.

And if any Perſon that is not a Freeman of this State, admitted and ſworn according to Law, ſhall preſume to vote or give in his Proxy in the Election of any of the Members of the General Aſſembly; or if any Freeman ſhall put in above one Vote or Proxy for one Perſon at the ſame Election to one Office, he ſhall pay a fine of *Five Pounds*, to the public Treaſury of this State.

Penalty on ſuch as vote who are not qualified, &c.

*And*

*And whereas undue Influence, Bribery, and Corruption in Elections, are of pernicious Tendency in a State:*

Penalty on such as unduly influence others in their votes.

*Be it further enacted by the Authority aforesaid*, That if any Person shall endeavour unduly to persuade or influence any other Person or Persons, in giving their Vote or Suffrage for any Member of the Legislature, by offering to any Person or Persons any written Vote or Votes for that Purpose, without being first thereto requested, such Person so offending, shall pay a Fine of *Forty Shillings*, for the Use of the Town Treasury.

and on such as accept a fee for giving or refusing to give any vote.

*And be it further enacted*, That no Person or Persons shall offer, accept, or receive any Sum or Sums of Money, or other Matter or Thing, by way of Gift, Fee or Reward, for giving or refusing to give any Vote or Suffrage for electing any Member of the General Assembly of this State, nor promise, procure, or any ways confer any Gratuity, Reward, or Preferment for, or on Account of any Vote or Suffrage given, or to be given in any Election: And every Person so giving, offering, accepting or receiving as aforesaid, shall in every such Case, forfeit and pay the Sum of *Five Pounds*; one Half to him or them that shall sue for and prosecute the same to Effect, and the other Half to the Treasury of the Town where the Offence is committed. And any Person who shall be convicted a second Time of the like Offence, shall be disfranchised.

Members unduly elected, incapable to serve.

And that every Person who shall be elected by Means of such evil and illegal Practice as aforesaid, shall be, and hereby is declared to be incapable to serve as a Member in such Assembly; unless such Person shall be able to satisfy said Assembly, that the same was done altogether without his Privity, and that he was not directly or indirectly concerned therein.

Who to make presentment.

*And be it further enacted by the Authority aforesaid*, That it shall be the Duty of every Constable and Grand-jury-man, to enquire after, and make Presentment of all Breaches of this Act.

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## An Act to enable the Governor to lay an Embargo, and for rendering the same when laid effectual.

Preamble.

*WHEREAS the Exportation of Necessaries, and other Articles that may be wanted in Times of Scarcity, and Times of War, may reduce the Inhabitants of this State to great Straits, and prove very prejudicial to the public Interest*; Which to prevent;

The governor impowered to lay embargoes.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same*, That the Governor of this State, for the Time being, by and with the Advice of the Council, is hereby fully impowered, and desired from Time to Time, as there shall be Occasion, to issue out and send forth his Proclamation, thereby to prohibit and forbid the Transportation, or carrying out of this State, either by Land or Water, any Article or Thing that the Governor, and his Council shall think necessary and expedient to prohibit for the Time set and limited, in, and by such Proclamation: Provided always,

Proviso.

that such Embargo shall not extend to hinder any necessary Provisions from being put on Board any Ships of War, or Privateers, or Merchant Ships, or Vessels belonging to this State, or to any of the Inhabitants thereof, or to the United States, for their necessary Stores, Bills of which Stores always to be allowed by some Assistant, or Justice of the Peace, in which Allowance, regard is to be had to the Number of Men, and Length of the Voyage intended, or shall the same continue in Force after the Expiration of twenty Days next after the Beginning of the next General Assembly that shall happen after the Date of such Proclamation.

And

And that all Embargoes, when laid by the Governor and Council as aforeſaid, or by the General Aſſembly, may be rendered effectual:

*Be it enacted by the Authority aforeſaid*, That upon the publiſhing of a Proclamation for an Embargo regularly laid, every Perſon whatſoever, and all Maſters of Ships or other Veſſels, lying within this State, ſhall forthwith land and ſtop, all and every embargoed Article or Thing, as they then have on Board ſuch Ships or Veſſels, or loaded in or upon any Cart, Carriage, Waggon, Pack-horſe or otherwiſe, for Tranſportation, or that may be driving on the Foot, contrary to ſuch Proclamation, or give a true Invoice and Account thereof to ſome Naval-Office, Aſſiſtant or Juſtice of the Peace, and alſo become bound with two ſufficient Sureties to the Treaſurer of this State, in the penal Sum of five Times the Value of ſuch embargoed Articles or Things, which they are about tranſporting and carrying out as aforeſaid, with a Condition to ſaid Bond, importing, that if ſaid embargoed Articles or Things ſhall be landed, or ſold in ſome Place in this State, for the Uſe of the Inhabitants thereof, then the ſaid Bond to be void, but on Failure thereof, to be and remain in full Force.

Upon proclamation &c all goods, &c. to be ſtopped and bond given, &c.

And if any Perſon or Perſons, ſhall refuſe and neglect to conform himſelf to this Act, it ſhall be lawful for any Aſſiſtant or Juſtice of the Peace, and they are hereby ordered in ſuch Caſe, *ex Officio*, or on Complaint or Information, to iſſue forth a Warrant to a proper Officer, to ſeize and ſecure ſuch embargoed Articles or Things, until ſuch Perſon or Perſons ſhall conform to this Act, and alſo pay all Coſts occaſioned by ſaid Refuſal or Neglect, ſaid Coſts to be taxed and allowed by ſuch Aſſiſtant or Juſtice.

Duty of aſſiſtants & juſtices, ex officio, to ſeize, &c.

*And be it further enacted*, That if any Perſon or Perſons ſhall tranſgreſs this Act, by carrying or driving out of this State any embargoed Article or Thing, contrary to ſaid Proclamation, he or they ſhall forfeit double the Value thereof, to be recovered by Bill, Plaint, or Information in any Court proper to try the ſame; one Half to him or them who ſhall proſecute the ſame to Effect (if proſecuted by a common Informer) and the other Half to the public Treaſury of this State; but if proſecuted by any public Informing Officer, then the whole of ſaid Forfeiture to belong to ſaid public Treaſury. And all Informing Officers are hereby directed to proſecute all Breaches of this Act.

Forfeiture double the value, &c.

## An Act to prevent Encroachments on High-Ways, and on common and undivided Lands.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon hath within the Space of fifteen Years, taken, or ſhall take any Part of any High-Way, or common or undivided Land, into his Field or Incloſure; or erect any Fence thereon, in ſuch Manner that the ſaid High-Way is ſtraitned, and made narrower than before; or any Part of the common or undivided Land is encroached upon, the Select-men of the Town wherein the Offence is committed, or a Committee appointed by ſuch Town for that Purpoſe, or a Committee appointed for that End by the Proprietors of the common or undivided Land encroached upon, (which Committees ſuch Town and Proprietors are enabled to appoint) or any Three of ſuch Proprietors are hereby directed and impowered to give Notice or Warning to the Perſon or Perſons ſo offending, to remove or cauſe to be removed, ſuch Fence or Encroachment within ſuch convenient Time as the ſaid Select-men, Committee, or Proprietors ſhall appoint, not exceeding one Month after ſuch Notice.

Encroachments made within 15 years, how removeable, &c.

And if the Perſon or Perſons warned as aforeſaid, do not cauſe ſuch

Fence

Fence or Encroachment to be removed within the Time ſo limited, it ſhall be lawful for the ſaid Select-men, Committee, or the ſaid three Proprietors, to remove the ſame.

Charge of removal by whom paid.

And the Perſon who made ſuch Encroachment, ſhall pay to ſuch Select-men, Committee or Proprietors, the Charge of ſuch Warning, and throwing down and removing ſuch Encroachment; to be recovered by Action before any Court proper to try the ſame.

Penalty of 40s. for ſecond offence.

And if the Perſon offending as aforeſaid, ſhall commit the like Offence, by taking in the ſame, or a greater or leſſer Quantity of any High-way, Common or undivided Land, where his Fence has been removed as aforeſaid, he ſhall incur the Penalty of *Forty Shillings* for every ſuch Offence, as often as he ſhall commit the ſame; to be recovered by Bill, Plaint, Action or Information by the Perſon who gave the Warning, and cauſed the ſaid Fence or Encroachment to be removed; one Half of the Penalty to be to the Proſecutors, with Coſt of Proſecution, and the other Half to the County Treaſury of the County in which the Offence is committed. In which Trials no Appeal ſhall be allowed.

Burden of proof on the delinquent.

And that every Perſon proſecuted for ſaid Offence, ſhall be deemed guilty thereof, unleſs he can ſatisfy the Court that hath Cognizance thereof, that he did it not himſelf; nor by his Order or Conſent, cauſe, or procure ſaid Offence to be committed. And it ſhall be lawful for ſuch Select-men, Committee, or Proprietors, without further Notice, to remove ſuch Encroachment as often as it ſhall be ſet up, after it hath been once removed as aforeſaid.

This act may be given in evidence, in the general iſſue.

*And be it further enacted by the Authority aforeſaid*, That if thoſe, or any of thoſe Perſons that ſhall pull down and remove ſuch Fence or Encroachment as aforeſaid, ſhall be ſued in Treſpaſs for ſo doing, by any Perſon or Perſons whoſe Fence ſhall be ſo pulled down or removed, ſuch Select-men, Committee or Proprietors, who ſhall pull down and remove the ſaid Fence, or cauſe the ſame to be done, may plead not guilty, and give this Act in Evidence on the Trial; and if the Plaintiff or Plaintiffs in ſuch Action ſhall not prove that the Fence removed, when ſtanding was well on the Bounds of his or their Lands, or their Lands for whom the Plaintiff or Plaintiffs hold the ſame, and ſo was not any Encroachment, as aforeſaid, Verdict ſhall be given in Favour of the Defendants. In which Caſe, as in Caſe alſo of a Nonſuit, Judgment ſhall be rendered for double Coſts in Favour of the Defendants.

Double coſts.

## An Act for regulating Proceedings in Equity.

Courts of equity how to proceed.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the ſeveral Courts in this State having Juriſdiction of Suits brought for Relief in Equity, ſhall proceed therein according to the Rules of Equity, and the Uſage of the General Aſſembly in ſuch Caſes, and ſhall take Cognizance, as Courts of Equity, of ſuch Matters only, wherein adequate Remedy cannot be had in the ordinary Courſe of Law; and ſhall keep Records of their Proceedings, and have Power to enforce their Decrees by granting Execution thereon againſt the Eſtate or Perſon, or in any other Manner proper for a Court of Equity: and no Appeal ſhall be allowed from any Sentence or Decree of any Court given in any Suit for Relief in Equity, except where ſpecial Proviſion is made by Law for that Purpoſe.

No appeal except, &c.

When a minor is intereſted, &c.

*And be it further enacted by the Authority aforeſaid*, That when any Minor under the Age of twenty-one Years, ſhall be intereſted in any mortgaged, or other real Eſtate, which in Equity ought to be conveyed to any other

Perſon

Perſon or Perſons, and ſuch Conveyance is decreed and ordered by the Court having Cognizance of the ſame, the Guardian of ſuch Minor is hereby authorized and impowered to make and execute ſuch Conveyance in Behalf of ſuch Minor; which Conveyance, ſo made, ſhall be good and effectual in Law. Guardian authorized, &c.

And the ſaid Court ſhall have Power to enjoin ſuch Guardian to make the ſame, under a ſuitable Penalty. Penalty.

And if ſuch Minor have no Guardian, at the Time of bringing ſuch Suit, the ſaid Court is hereby authorized to appoint one; and the Guardian ſo appointed, ſhall have Power to do every Thing in Behalf of ſuch Minor, proper for his Defence in ſuch Suit, and for carrying the Decree of the Court therein, into Effect. Court authorized to appoint a guardian.

## An Act aſcertaining the Value of Continental Bills of Credit, and of Contracts made therefor, and directing the Courts to determine according to Equity, all Suits brought thereon.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all Contracts made on or before the firſt Day of *September*, 1777, for lawful Money, or for Bills of Credit of this State, or Continental Bills of Credit, ſhall be deemed equal to the ſame nominal Sum in Gold or Silver. Contracts made before 1ſt September 1777, for lawful money &c.

That all Contracts made between the firſt Day of *September*, 1777, and the 18th Day of *March*, 1780, underſtood or expreſſed to be for the common Currency of the United States, or of this State, ſhall be rated in Spaniſh milled Dollars, or other Coins equivalent, agreeable to the following Table, which ſhews the Value of one hundred Spaniſh milled Dollars in Continental Bills of Credit, at the ſeveral Times therein expreſſed, which is agreeable to the Scale adopted by Congreſs. And between 1ſt September 1777, & 18th March 1780, how rated.

| 1777, | | Dollars. |
|---|---|---|
| September | 1ſt, | 100 |
| | 15th, | 104 |
| October | 1ſt, | 109 |
| | 15th, | 115 |
| November | 1ſt, | 121 |
| | 15th, | 127 |
| December | 1ſt, | 133 |
| | 15th, | 139 |
| 1778, | | |
| January | 1ſt, | 146 |
| | 15th, | 152 |
| February | 1ſt, | 160 |
| | 15th, | 167 |
| March | 1ſt, | 175 |
| | 15th, | 186 |
| April | 1ſt, | 203 |
| | 15th, | 214 |
| May | 1ſt, | 230 |
| | 15th, | 245 |
| June | 1ſt, | 265 |
| | 15th, | 281 |
| July | 1ſt, | 303 |
| | 15th, | 332 |

| 1778, | | Dollars. |
|---|---|---|
| Auguſt | 1ſt, | 348 |
| | 15th, | 370 |
| September | 1ſt, | 400 |
| | 15th, | 429 |
| October | 1ſt, | 464 |
| | 15th, | 500 |
| November | 1ſt, | 545 |
| | 15th, | 584 |
| December | 1ſt, | 634 |
| | 15th, | 679 |
| 1779, | | |
| January | 1ſt, | 742 |
| | 15th, | 796 |
| February | 1ſt, | 868 |
| | 15th, | 932 |
| March | 1ſt, | 1000 |
| | 15th, | 1048 |
| April | 1ſt, | 1104 |
| | 15th, | 1156 |
| May | 1ſt, | 1219 |
| | 15th, | 1272 |
| June | 1ſt, | 1344 |
| | 15th, | 1404 |

| 1779, | | Dollars. |
|---|---|---|
| July | 1ſt, | 1486 |
| | 15th, | 1548 |
| Auguſt | 1ſt, | 1631 |
| | 15th, | 1709 |
| September | 1ſt, | 1800 |
| | 15th, | 1908 |
| October | 1ſt, | 2032 |
| | 15th, | 2151 |
| November | 1ſt, | 2340 |
| | 15th, | 2433 |
| December | 1ſt, | 2597 |
| | 15th, | 2741 |
| 1780, | | |
| January | 1ſt, | 2932 |
| | 15th, | 3115 |
| February | 1ſt, | 3333 |
| | 15th, | 3533 |
| March | 1ſt, | 3732 |
| | 18th, | 4000 |

Table.

*And be it further enacted by the Authority aforeſaid,* That all Contracts made on or before the 18th Day of *March*, 1780, may be diſcharged by paying the juſt Value of the Currency contracted for, as aſcertained by this Act, in Silver or Gold, or in Bills of Credit of the United States at the Contracts made on or before March 18th, 1780, how diſcharged.

the current Exchange at the Time of Payment. And that the aforeſaid Scale be the Rule in all Courts of Law, and in the Committee of Pay-Table, for ſettling the Rate of Depreciation, in all Contracts as aforeſaid.

Preamble.

*And whereas the Bills of Credit of theſe United States, emitted by Order of Congreſs, have greatly depreciated in their Value, occaſioned by ſome unforeſeen Events taking Place. And whereas ſundry Debtors have endeavoured to diſcharge their juſt Debts by tendering a Sum in the Bills aforeſaid in their depreciated State, of leſs Value than the Value of the Sum in which they became indebted, which has been refuſed by the Creditor; by Reaſon whereof great Diſputes have ariſen, and the one Party or the other liable to ſuffer Injuſtice by a ſtrict Conſtruction of the Laws of this State relative thereto:*

Therefore, purſuant to a Reſolve of theſe United States, paſſed in Congreſs on the twentieth of *March*, 1780:

Actions bro't for recovery of debts contracted on or before January 7th, 1780, where tendry has been made,—to be determined by the rules of equity.

*Be it further enacted by the Authority aforeſaid*, That in all Actions brought before any of the Superior or County Courts in this State (either by original Writ, Appeal, or Writ of Error) for the Rocovery of any Debt due by Bond, Note, or Book Account, contracted before or on the ſeventh Day of *January*, 1780, and where the Defendant in ſuch Action has, between the firſt Day of *September*, 1777, and the 18th Day of *March*, 1780, made a Tendry of a Sum in Continental Bills of Credit, to the Creditor or Creditors in Satisfaction of the Debt demanded, and the Creditor refuſed the ſame; then, and in every ſuch Caſe, the Court before whom ſuch Action may be brought, are hereby authorized to direct ſuch Cauſe to be heard and determined by Reference thereof to indifferent Perſons, to be mutually choſen by the contending Parties; and in Caſe they or their Attornies ſhall neglect or refuſe to agree upon ſuch Referees, the ſaid Court are authorized to determine ſuch Cauſe according to the Rules of Equity, taking all Circumſtances into Conſideration: Which ſaid Referrees ſo choſen as aforeſaid, ſhall hear and determine ſuch Cauſe, as to them ſhall appear juſt and equitable, taking into Conſideration all the Circumſtances thereof, and make Return to the ſame Court where ſaid Cauſe ſhall be depending; who, unleſs ſufficient Objections be offered againſt ſuch Return, ſhall accept the ſame, and render Judgment thereon accordingly.

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## An Act for regulating Trials on Writs of Error, and for limiting the Time for bringing the ſame.

Sup. court to take cognizance of errors in the lower courts.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Superior Court ſhall have Juriſdiction of all Writs of Error, brought for reverſal of any Judgment of the County Court, or any Inferior Court, or of an Aſſiſtant or Juſtice of the Peace, in civil or criminal Cauſes.

The defendant in error, to recover coſt, in caſe judgment is affirm'd, otherwiſe no coſt on either ſide.

And when on any Writ of Error that ſhall be brought before the Superior Court, the Defendant in ſuch Writ of Error ſhall recover Judgment, that the Judgment complained of is not erroneous, he ſhall recover Coſt againſt the Plaintiff; but if upon ſuch Trial it ſhall be determined that the Judgment complained of is erroneous, Judgment ſhall be given for the reverſal of ſuch erroneous Judgment, and the Plaintiff ſhall recover all that he hath been damnified thereby, but no Coſt in that Caſe ſhall be taxed for either Party.

Plaintiff in the original action to enter, &c. on reverſal, &c.

That when any Judgment in a civil Action ſhall be reverſed as aforeſaid, the Plaintiff in the original Action on which ſuch erroneous Judgment was given, may enter his Action in the ſaid Superior Court, paying the ſame Fees as if he had brought it by Appeal: And the ſaid Court ſhall proceed

proceed to try ſaid Action as if it had or could have been brought there by Appeal. And the whole Coſt in ſaid Action (excepting the Coſt on the Writ of Error) ſhall be allowed and taxed in Favour of him who ſhall recover final Judgment.

No writ of error lies after three years.

That no Writ of Error ſhall be brought for the reverſal of any Judgment, after the Expiration of three Years from the Time of giving ſuch Judgment.

Error lies in equity as at law, &c.

That where manifeſt and material Error ſhall appear of Record in any Judgment or Decree given in a Suit for Relief in Equity, the Party aggrieved may be relieved by Writ of Error in the ſame Manner as in Proceedings at Law.

## An Act relating to Eſcheats and other Eſtates, belonging to, and recovered for the Uſe of the public Treaſury of this State.

Where no owner or heir appears eſtate belongs to this ſtate.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That where no Heir or Owner of Houſes, Lands, Tenements, Goods or Chattels can be found, ſuch Houſes, Lands, Tenements, Goods and Chattels ſhall belong to this State, and be ſecured to the public Treaſury thereof.

Judge of probate to take care, &c.

And the Judges of the reſpective Courts of Probate in this State, ſhall make due Enquiry after, and take proper Care of all Eſtates within their reſpective Diſtricts that have happened or ſhall hereafter happen to eſcheat as aforeſaid, and ſecure the ſame in the Hands of ſome Adminiſtrator, by them for that Purpoſe to be appointed; Notice of which Eſcheats and Proceedings thereon, the Judge ſhall give to the Treaſurer of this State for the Time being: And the ſaid Treaſurer ſhall be, and he is hereby impowered and required to demand and receive of ſuch Adminiſtrator, all ſuch Eſcheats, and him thereof fully to diſcharge.

to notify the treaſurer.

Treaſurer to make ſale.

And the ſaid Treaſurer is further impowered and required, to make Sale, either by public Vendue, or by Appraiſement made by three judicious Freeholders under Oath, or private Sale, as he ſhall judge may conduce moſt to the Benefit of this State, of all Eſcheats, as alſo of all Lands that are or ſhall be recovered of any Perſon or Perſons whatſoever, by Judgment, Execution, Diſtraint, or any other Way, for Fines, Forfeitures or Rates, to the public Treaſury, where other Proviſion is not, or ſhall not be particularly made in ſuch Caſes. And the ſaid Sale to make, and confirm by Deed or Deeds in the Name and Behalf, and for the Uſe and beſt Advantage of this State: Which Sales ſo made, ſhall be good and valid in the Law.

and account, &c.

And the ſaid Treaſurer for the Time being, ſhall from Year to Year, render his Account to the General Aſſembly, at their Seſſions in *October*, of his Proceedings by Virtue of this Act; and ſhall be allowed a reaſonable Recompence out of the Gains ſo made, for his Charge and Trouble therein.

Proviſo.

*Provided nevertheleſs*, That if any Heir or Owner of ſuch Houſes, Lands, Tenements, Goods or Chattels, ſhall appear and make out a juſt Title thereunto; the ſame, or reaſonable Satisfaction therefor, ſhall upon juſt and reaſonable Terms be reſtored, or given to ſuch Heir or Owner.

## An act for the Settlement of teſtate and inteſtate Eſtates.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Executor or

Executors named by the Teſtator of any laſt Will and Teſtament, or ſuch other Perſon or Perſons to whom the Adminiſtration of the Eſtate of Perſons deceaſed, ſhall be committed, calling or taking to him or them two or more judicious, diſintereſted Freeholders, Neighbours and Friends to the Deceaſed; and in their Preſence, and by their Diſcretion, (being under Oath) ſhall make or cauſe to be made, a true and perfect Inventory of all the Eſtate of the Perſon deceaſed, as well moveable as not moveable, whatever; and the ſame ſhall cauſe to be indented: Whereof the one Part, by the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, upon his or their Oath or Oaths, to be taken before the Court which hath Power to take Probate of Wills and Teſtaments, granting Adminiſtration and the like, ſhall be by him or them delivered to the ſaid Court of Probates; and the other Part to be and remain with the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators.

Inventories by whom to be taken.

That if any Executor or Executors of the laſt Will of any Perſon deceaſed, knowing of his or their being ſo named and appointed, ſhall not within thirty Days next after the Deceaſe of the Teſtator, cauſe ſuch Will to be proved and recorded in the Regiſter's Office of that Diſtrict where the deceaſed Perſon laſt dwelt, or preſent the ſaid Will, and declare his or their Refuſal of the Executorſhip; every Executor ſo neglecting his or her Truſt and Duty in that Behalf (without juſt Excuſe made and accepted by the Judge of Probate for ſuch Delay) ſhall forfeit the Sum of *Five Pounds* per Month, from and after the Expiration of the ſaid thirty Days, until he or they ſhall cauſe Probate of ſuch Will to be made, or preſent the ſame as aforeſaid.

Penalty of 5l. per month on executors who neglect exhibiting of the wills, &c. to be proved after 30 days are expired.

And upon ſuch Refuſal of the Executor or Executors, or on his or their Refuſal to give Bond with ſufficient Surety for a faithful Diſcharge of his or their Truſt, the Court of Probate ſhall commit Adminiſtration of the Eſtate of the Deceaſed, with the Will annexed, unto the Widow or next of Kin to the Deceaſed; and upon their Refuſal or Incapacity, to one or more of the principal Creditors, as the Court ſhall think fit.

Perſons refuſing to ſtand executors, the Court of Probate to appoint adminiſtrators.

And if the Executor or Executors of any laſt Will and Teſtament, brought for Probate in any of the Courts of Probate in this State, ſhall not within the Space of two Months next after the Probate of ſuch laſt Will and Teſtament, cauſe ſuch Inventory to be made, as aforeſaid, and the ſame to be exhibited in the Regiſter's Office of the ſame Court of Probate where the ſaid Will was accepted and recorded, every Executor ſo neglecting his or her Truſt in that Behalf (without juſt Excuſe made to the Judge of ſaid Court and accepted for ſuch Delay) ſhall forfeit the Sum of *Five Pounds* per Month, from and after the ſaid two Months are expired, until he or they ſhall inventory ſaid Eſtate, and exhibit ſaid Inventory as aforeſaid.

Penalty of 5l. per month for not cauſing an inventory to be taken, &c.

Every ſuch Forfeiture, as well for not cauſing the Will to be proved, &c. as for not exhibiting an Inventory, as aforeſaid, ſhall be and belong, one Moiety thereof to the Town Treaſury of that Town where the Deceaſed laſt dwelt, for the Uſe of ſaid Town, and the other Moiety to him or them who ſhall inform, or ſue for the ſame, and proſecute to full Effect: To be recovered by Action or Information in the County where the Teſtator laſt dwelt.

Forfeitures how recovered & improved.

And if any Perſon or Perſons ſhall alienate or embezzel any of the Goods or Chattels of any Perſon deceaſed, before he or they have taken out Adminiſtration, and exhibited a true Inventory of all the known Eſtate of the Deceaſed; all and every ſuch Perſon ſo acting, ſhall ſtand chargeable and be liable to the Actions of the Creditors, and other Perſons grieved, as being Executors in their own wrong.

Executors embezzeling any of ſaid goods to be ſued, &c.

And the Court of Probate ſhall cauſe a Citation to be made out to the Widow

Widow or next of Kin, capable to execute ſaid Truſt, and upon their neglect of Appearance, or Refuſal, may commit Adminiſtration of ſuch Eſtate to ſome one or more of the chief Creditors, if accepted by him or them; or others, as the ſaid Court ſhall think fit, upon their Refuſal.

Court of Probate to cite the widow, or next of kin, &c.

*And for preventing Fraud in concealing any Part of the Eſtate of any Perſon deceaſed.*

*Be it enacted by the Authority aforeſaid*, That if any Perſon or Perſons in this State, ſhall have in his or their Cuſtody or Poſſeſſion, any Goods or Chattels belonging to the Eſtate of any deceaſed Perſon, or any Bills, Bonds, Accounts, or ſuch other Things as may tend to diſcloſe ſuch Eſtate, and upon Demand of the ſame, made by the Executor or Adminiſtrator of ſuch Eſtate, ſhall refuſe to make Delivery, or to give a ſatisfying Account thereof to the ſaid Executor or Adminiſtrator, it ſhall be in the Power of the next Aſſiſtant or Juſtice of the Peace, upon Complaint thereof made to him by the ſaid Executor or Adminiſtrator, to iſſue a Warrant to ſome fit Perſon, to apprehend ſuch Offender, and to bring him or her before ſuch Aſſiſtant or Juſtice of the Peace; who may bind ſuch Perſon, with ſufficient Sureties, to appear before the next Court of Probates: And the ſaid Court ſhall be, and is hereby impowered to examine ſuch Offender or Offenders, under his or their Oaths, upon ſuch Interrogatories touching ſuch Goods, Chattels, Bills, Bonds, Accounts, and other Things tending to diſcloſe the Eſtate aforeſaid, as the ſaid Court ſhall think meet. And that if therein the Offender or Offenders ſhall refuſe to be examined upon Oath, or to anſwer fully to every Interrogatory to ſuch Perſon or Perſons to be adminiſtered, or put by ſaid Court of Probates, it ſhall be lawful for the ſaid Court to commit every ſuch Offender to the common Goal, there to remain until ſuch Perſon ſhall better conform.

Such as conceal the eſtate of any deceaſed perſon, to be examined upon oath.

To be committed upon refuſal to ſwear.

*Be it further enacted by the Authority aforeſaid*, That if any of the Creditors or Legatees of the Deceaſed are grieved by the Appraiſement of the Eſtate made by the Adminiſtrator, or Perſons by him appointed, they may have Relief by Application to the Court of Probates that granted Adminiſtration; which Court is hereby impowered and required, to appoint three good and lawful Men of the Neighbourhood, and to ſwear them to make a new Appraiſement of ſuch Eſtate, at the true Value and Worth thereof, in common Eſtimation, according to the beſt of their Skill. And the Adminiſtrator ſhall be accountable for ſuch Eſtate, according to the ſaid Appraiſement thereof. And if he make Payment of Debts or Legacies therewith, or with any Part thereof, the Creditors or Legatees ſhall have ſuch Eſtate at the Value ſtated by ſuch Appraiſers.

Creditors, or legatees aggrieved by the appraiſement of the eſtate, to have a new appraiſement.

*Provided*, ſaid Application be made to ſuch Court within ſix Months after the Inventory of ſuch Eſtate be exhibited into the Regiſtry of the ſaid Court; and not after.

Proviſo.

*Be it further enacted by the Authority aforeſaid*, That when any Perſon dies Inteſtate, Adminiſtration of ſuch Inteſtate's Eſtate ſhall be granted to the Widow, or next of Kin to the Inteſtate, or both, or on their refuſal or Incapacity, to ſome other Perſon, as the Court of Probate ſhall judge fit: And on granting Adminiſtration upon the Eſtates of Inteſtates, or others whomſoever, the Court of Probate granting ſuch Adminiſtration, ſhall take ſufficient Bond with Sureties, of ſuch Perſon or Perſons, to whom Adminiſtration is granted as aforeſaid, for a faithful Diſcharge of the Work; which Bond ſhall be conditioned according to the Form hereafter in this Act directed: And ſuch Bond ſhall in like Manner be required and taken of the Executor or Executors of any laſt Will and Teſtament, before they enter on the Buſineſs, and of any Executors where the Eſtate remains unſettled.

Adminiſtration of the eſtates of inteſtates, to whom to be granted.

And

Court of probates to call executors,&c. to account.

And the Court of Probates may, and ſhall proceed to call ſuch Adminiſtrator or Adminiſtrators, Executor or Executors to account for and touching the Eſtate of ſuch deceaſed Perſon, whether inteſtate or other.

Diſtribution to be made as follows:

*And be it further enacted by the Authority aforeſaid*, That the Courts of Probate ſhall, and are hereby fully impowered to order, and make a juſt Diviſion or Diſtribution of all the Eſtate, both real and perſonal, of any ſuch Inteſtate, that ſhall remain after deducting all Debts and Charges whatſoever, payable out of the ſame, in Manner following, *That is to ſay*;

One third to the widow, reſidue equally among the children, except to the eldeſt ſon, &c. a double portion.

One third Part of the perſonal Eſtate to the Wife of the Inteſtate (if any be) for ever; beſides her Dower, or Thirds in the Houſes and Lands during Life, where ſuch Wife ſhall not be otherwiſe endowed before Marriage: And all the Reſidue and Remainder of the real and perſonal Eſtate by equal Portions, to and among the Children, and ſuch as ſhall legally repreſent them, (if any of them be dead) other than ſuch Children who ſhall have any Eſtate by Settlement of the Inteſtate in his Life Time, equal to the others Shares: Children advanced by Settlement or Portions not equal to others Shares, to have ſo much of the Surpluſage as ſhall make the Eſtates of all to be equal; except the eldeſt Son then ſurviving, where there is no Iſſue of the firſt Born, or of any other elder Son; who ſhall have two Shares or a double Portion of the Whole; and the ſame ſhall be ſo divided as that the male Heirs ſhall have their Parts in the real Eſtate, ſo far as the Eſtate will allow: And where there are no Sons, the Daughters ſhall inherit as Co-parceners.

Diviſion to be by freeholders under oath, &c. unleſs, &c.

And the Diviſion of the Eſtate ſhall be made by three ſufficient Freeholders, upon Oath, or any two of them, to be appointed by the ſaid Court of Probates: Unleſs all the Parties intereſted in any Eſtate, being legally capable to act, ſhall mutually agree upon a Diviſion among themſelves, and preſent the ſame in Writing under their Hands and Seals; in which Caſe ſuch Agreement ſhall be accepted, and allowed for a Settlement of ſuch Eſtate; and be accounted good and valid in Law, being acknowleged by the Parties ſubſcribing, before ſuch Court of Probates, or before an Aſſiſtant or Juſtice of the Peace, and put upon Record, in the Records of ſaid Court.

Proviſo.

*Provided nevertheleſs*, That where any Eſtate in Houſes and Lands, which cannot be divided among the Children without great Prejudice to, or ſpoiling of the Whole; being ſo repreſented, and made to appear unto the Court of Probates; the ſaid Court may order the Whole to the eldeſt Son, if he accept of it; or to any other of the Sons ſucceſſively (upon his Refuſal) he to whom it ſhall be ordered, paying unto the other Children of the Deceaſed their equal and proportionable Parts or Shares of the true Value of ſuch Houſes and Lands, upon a juſt Appraiſement thereof, to be made by three ſufficient Freeholders upon Oath; to be appointed and ſworn, as aforeſaid; or giving good Security to pay the ſame in ſome convenient Time, as the ſaid Court of Probate ſhall limit; making reaſonable Allowances in the Interim, not exceeding *ſix per Centum per Annum.*

If child die, &c. his portion to be to the ſurviving children.

And if any of the Children die before he or ſhe come of Age, and before Marriage, or before any legal Diſpoſition thereof and before Marriage, the Portion of ſuch Child deceaſed, ſhall be equally divided among the ſurviving Children, and their legal Repreſentatives.

If no children how the real eſtate ſhall deſcend, &c.

And in Caſe there be no Children, nor any legal Repreſentatives of them, then one Moiety of the perſonal Eſtate ſhall be allotted to the Wife of the Inteſtate forever; and one Third of the real Eſtate for Term of Life: The Reſidue of the real Eſtate received by Diſcent, Gift or Deviſe from his or her Parent, Anceſtor or other Kindred, ſhall belong equally to the Brethren and Siſters of the Inteſtate, and thoſe who legally repreſent them, of the Blood

of

of the Perſon or Anceſtor from whom ſuch Eſtate came or deſcended ; and in Caſe there be no ſuch Brothers or Siſters, nor legal Repreſentatives, as aforeſaid, then ſuch real Eſtate derived as aforeſaid, ſhall be and remain to the next of Kin, to and of the Blood of ſaid Anceſtor or Perſon from whom ſuch real Eſtate is derived as aforeſaid : And the Remainder, both of the real and perſonal Eſtate, equally to every of the Brethren and Siſters of the Inteſtate of the whole Blood, and ſuch as legally repreſent them ; or if there be no ſuch Kindred, then to the Parent or Parents of the Inteſtate ; and if there be no Parents, then equally to every of the Brethren and Siſters of the half Blood of the Inteſtate ; but if there be no Parent, brother or Siſter, then equally to every of the next of Kin to the Inteſtate in equal Degree, and thoſe who legally repreſent them ; Kindred of the whole Blood to take in preference to Kindred of the half Blood in the ſame Degree : No Repreſentatives to be admitted among Collaterals, after Brothers and Siſters Children. And if there be no Wife, all the Eſtate ſhall be divided among the other Kindred in Manner aforeſaid.

Where no brothers, &c. real eſtate to go to the next of kin of the blood of the anceſtor from whom it was derived, &c.

And every One to whom any Share or Part ſhall be allotted, ſhall give Bond with Sureties, before the ſaid Court of Probate, (if Debts afterwards be made to appear) to refund and pay back to the Adminiſtrator, his or her rateable Part thereof, and of the Adminiſtrator's Charges.

Heirs to give bond, &c.

And the Widow's Thirds or Dower in the real Eſtate, at the Expiration of her Term, ſhall be alſo divided, as aforeſaid, if the ſame then remain undivided.

Widow's dower divided, &c.

*Always provided, and it is hereby enacted*, That if any Perſon be aggrieved at any Order, Sentence, or Decree of any Court of Probate, made for the Settlement and Diſtribution of any Inteſtate Eſtate, or at any other Order, Sentence, Decree or Denial that ſhall at any Time be made, and given by ſaid Court of Probate, referring to the Approbation and Allowance of any Will, Grant of Adminiſtration, or other Matter, ſuch Perſon may appeal therefrom to the Superior Court ; provided they give Security, and enter and proſecute ſuch Appeals within the Times limited for that Purpoſe ; as is provided and directed in the Law regulating ſuch Appeals.

Proviſo.

*Be it further enacted by the Authority aforeſaid*, That every Court of Probate, upon granting Adminiſtration upon the Eſtate of any deceaſed Perſon, ſhall take Bond with ſufficient Surety or Sureties, to the Judge of ſaid Court, and his Succeſſors in that Office, with this Condition, viz.

Court to take bond.

THE Condition of this Obligation is ſuch, that if the above bounden A. B. Adminiſtrator of all and ſingular the Goods, Chattels, Credits and Eſtate of C. D. deceaſed : Do make, or cauſe to be made, a true and perfect Inventory of all and ſingular the Goods, Chattels, Credits and Eſtate of the ſaid deceaſed, which have or ſhall come to the Hands, Poſſeſſion or knowledge of the ſaid A. B. or into the Hands or Poſſeſſion of any other Perſon or Perſons for him ; and the ſame ſo made do exhibit, or cauſe to be exhibited into the Regiſtry of the Court of Probates in the Diſtrict of at or before the Day of next enſuing : And the ſame Goods, Chattels, Credits and Eſtate of the ſaid deceaſed, at the Time of his Death, which at any Time after ſhall come into the Hands or Poſſeſſion of the ſaid A. B. or into the Hands or Poſſeſſion of any other Perſon or Perſons for him, do well and truly adminiſter according to Law. *And further*, do make or cauſe to be made, a true and juſt Account of his ſaid Adminiſtration, at or before the Day of and all the Reſt and Reſidue of the ſaid Goods, Chattels, Credits and Eſtate which ſhall be found remaining upon the ſaid Adminiſtrator's Account ; the ſame being firſt examined and allowed by the ſaid Court of Probates, ſhall deliver and pay unto ſuch Perſon or Perſons reſpectively, as the ſaid Court of Probates, by their Decree

The form.

or

or Sentence, purſuant to the true intent and meaning of the Law, ſhall limit and appoint. And if it ſhall hereafter appear that any laſt Will and Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named, do exhibit the ſame into the ſaid Court, making Requeſt to have it allowed and approved accordingly; if the ſaid A. B. being thereunto required, do render and deliver the ſaid Letters of Adminiſtration, (Approbation of ſuch Teſtament being firſt had and made) in the ſaid Court, then this Obligation to be void, and of none Effect; or elſe to remain in full Force and Virtue.

Executors to give bond &c.

And Executors ſhall become bound in the ſame Form, *mutatis mutandis.*

*And be it further enacted by the Authority aforeſaid*, That when the Debts and Charges allowed by the Court of Probate, in the Settlement of any Inteſtate Eſtate, (or of any Teſtate Eſtate, where ſufficient Proviſion is not made by the Will of the Teſtator) ſhall exceed the perſonal Eſtate, it ſhall be lawful for the Judges of ſuch Courts reſpectively, to order the Sale of ſo much of the real Eſtate as ſhall be ſufficient to pay the ſame, with the incident Charges of Sale, in ſuch Manner as ſhall appear to them to be moſt for the Benefit of ſuch Eſtates; which Sales ſhall be good and effectual in Law.

In what caſe the judge may order ſale of real eſtate.

*And be it further enacted by the Authority aforeſaid*, That the ſaid Courts be, and they are hereby impowered to direct the Executors or Adminiſtrators on ſaid Eſtate, to give public Notice to the ſeveral Creditors thereof, to bring in their Claims againſt the ſame, within ſuch Time as the ſaid Courts ſhall limit and appoint, not exceeding eighteen Months, nor leſs than ſix Months, by poſting up the ſame in the Town where the Deceaſed laſt dwelt, and alſo by advertiſing the ſame in one or more of the public News-Papers in this State, and any further Notice, in caſe ſuch Court ſhall judge the ſame neceſſary. And if any Creditor ſhall neglect to exhibit his or her Claim within ſuch Time as ſhall be limited, after public Notice given as aforeſaid, ſuch Creditor ſhall be debarred of his or her Demand, in the ſame Manner as by Law is provided in Caſe of Inſolvent Eſtates.

Creditors to be notified to bring in their claims.

*Provided nevertheleſs*, That any Perſons not being Inhabitants in this State, ſhall have Liberty to exhibit their Claim againſt any Eſtate which ſhall not be repreſented Inſolvent, at any Time within two Years after Publication of the Notice aforeſaid, and ſhall be intitled to Payment out of the clear Eſtate that ſhall remain over and above the Payment of thoſe Claims that were exhibited within the Time limited as aforeſaid, only; any Thing in this Act to the contrary notwithſtanding.

Proviſo.

And all ſuch Houſes and Buildings as appertain to the Eſtate of any Perſon deceaſed, ſhall be kept and maintained in tenantable Repair, by the Revenue of the Lands belonging to ſuch Eſtate; and ſhall in ſuch Repair be delivered to the Heirs or Legatees, at the Time of the Diviſion or Diſtribution thereof; extraordinary Caſualties excepted.

Buildings to be kept in repair.

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## An Act directing certain confiſcated Eſtates to be ſold.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Lands which are forfeited to this State, by any Perſons adjudged guilty of the Crime of having voluntarily put themſelves under the Protection and joined with the Enemies of the United States, which are not under Mortgage, or are not already eſpecially ordered to be otherwiſe ſold or diſpoſed of, ſhall, after having been advertiſed in at leaſt one of the common News-Papers of this State for three Weeks ſucceſſively, be ſold at public Vendue, for Specie, on one Year's Credit on Intereſt, ſecured by ſufficient Sureties, or Notes

Confiſcated eſtates, how diſpoſed of.

which

which are or ſhall be given by the Treaſurer of this State to the Officers and Privates of the *Connecticut* Line of the Army, for Services rendered prior to the paſſing of this Act, computing the Intereſt ariſen thereon to the Time of the Sale. Which Sales ſhall be made under the Direction of the ſeveral Judges of Probate, who are legally impowered to grant Adminiſtration upon any ſuch forfeited Eſtates. And it is hereby further ordered, that upon the Sale of any ſuch Eſtate, or any Part thereof, as ſuch Judge ſhall direct, he ſhall tranſmit to the Treaſurer of this State a general Deſcription of the Eſtate ſo ſold, together with the Avails of ſuch Sales, diſtinguiſhing the Specie from the Notes received thereby, and alſo the Name of the Perſon or Perſons to whom the ſame has been ſold; and ſhall alſo tranſmit a ſimilar Account to the Committee of Pay-Table; each of which ſhall make proper Entries thereof in their reſpective Offices, in an Account with ſuch Judge. And it is alſo ordered, that every ſuch Judge, upon the Sale of any ſuch Eſtate, under his Direction, ſhall tranſmit a Deed of Sale thereof to the Treaſurer, and indorſe thereon a Requeſt to him to execute it in Favour of the Purchaſer; and thereupon the Treaſurer ſhall execute ſuch Deed in Behalf of this State; which Deed, together with the Indorſement thereon, ſhall be recorded in the proper Office.

*Always provided*, That no Sale ſhall be made of any ſuch forfeited Eſtate until a Return of the Commiſſioners appointed to examine the Claims of the Creditors thereof, has been made and accepted; and that no ſuch Judge ſhall tranſmit more of the Avails of ſuch Eſtate to the Treaſurer than the Surplus of the Debts which remain unpaid, and Charges of Adminiſtration and Coſts attending the Negociation of ſuch Sale and Transfer; all which are to be liquidated and allowed by ſuch Judge; who ſhall direct the Payment thereof to the Perſons to whom they are due. Proviſo.

*Provided alſo*, That all Proceedings reſpecting the Debts, Sales, and Allowance of Coſts, and every other Matter relative to the Settlement of any ſuch Eſtate, ſhall be entered in the Regiſtry of the Office of ſuch Judge. Proviſo.

*And be it further enacted*, That every ſuch Judge of Probate be directed and impowered to authorize ſome proper Perſon to inſtitute any Suit in Behalf of this State, for the Recovery and Seizen of any ſuch Eſtate, which had been mortgaged to the Perſon or Perſons adjudged guilty as aforeſaid, before ſuch Eſtate had been adjudged forfeited as aforeſaid; and upon any ſuch Recovery, ſuch Judge ſhall, in Caſe the Debt for which ſuch Eſtate was mortgaged, and the Coſts for the Recovery thereof ſhall not be paid within ſix Months after ſuch Recovery, order the ſame to be ſold, and ſhall otherwiſe be proceeded with as is directed by this Act; and in that Caſe the Mortgager or Mortgagers ſhall thereafter be forever debarred from obtaining any Recovery therefor, either in Law or Equity, except for the Surplus that ſuch Eſtate ſhall ſell for, more than the Debt and Coſt as aforeſaid. If mortgaged how recovered and diſpoſed of.

*Provided always*, That if ſuch Eſtate ſhall be under any Mortgage to any other Perſon or Perſons than to him or them who ſhall have been adjudged guilty as aforeſaid, previous to ſuch Adjudication, the ſame ſhall be ſold under ſuch Incumbrance. Proviſo.

*Be it further enacted*, That the ſaid Judges of Probate ſhall proceed to ſettle the perſonal Eſtates forfeited as aforeſaid, according to Law, and ſhall tranſmit the Avails thereof to the Treaſurer, and duplicate Accounts of their Proceedings relative thereto, to the Treaſurer and Committee of Pay-Table, in the Manner heretofore directed by this Act; ſo that a compleat Settlement may be made of ſuch Eſtates, as ſoon as the Circumſtances thereof will admit. Perſonal eſtate how ſettled.

# An Act for laying an Exciſe on ſundry Articles of Conſumption within this State.

Preamble.

*WHEREAS it is neceſſary, in order to eſtabliſh Funds for the Payment of the Intereſt, and to ſupport the Value and Credit of public Securities, that ſome Meaſures be adopted in Addition to the ordinary Mode of Taxation within this State.*

An exciſe laid.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That from and after the twentieth Day of *April*, One thouſand ſeven hundred and eighty-three, there ſhall be paid into the Treaſury of this State, and applied to the Uſes mentioned in this Act, an Exciſe on all the following Articles ſold by Retail or conſumed within this State, as hereafter expreſſed, viz.

Articles enumerated.

For every Gallon of foreign Wine, one Shilling; for every Gallon of foreign Brandy, eight Pence; for every Gallon of foreign Geneva, eight Pence; for every Gallon of *Weſt-India* Rum, ſix Pence; for every Gallon of *New-England* or Country Rum, four Pence; for all other diſtilled Spirits, four Pence per Gallon; for each Pound of imported Snuff, ſix Pence; for each Pound of Bohea Tea, ſix Pence; for all other Kinds of *India* Tea, two Shillings per Pound; for each Pound of Coffee, one Penny; for each Pound of imported Chocolate, three Pence; for each Pound of Chocolate made within this State, one Penny; for each Pound of imported loaf Sugar, two Pence; for each Pound of brown Sugar, one Penny; for all wrought Iron and Steel Ware, wrought Silks, Muſlins, Gauzes, Cambricks, beaver, caſtor and felt Hats, Jewelry, Looking-Glaſſes, *China* Ware, earthen and ſtone Ware, Painters Oil and Colours, Broadcloths of above twenty Shillings per Yard, Velvet, Corduroys, Lemons and Limes, ſhall be paid five *per Cent.* on the Value thereof in lawful Money, at the Time the ſame ſhall be purchaſed or procured, by the Perſon or Perſons who ſhall retail or conſume the ſame.

County Courts to appoint collectors.

And in order to collect the ſame, the County Court in each County ſhall, by ſaid 20th of *April*, appoint a ſuitable Perſon to be Collector of the Exciſe aforeſaid, in their County, and ſo from Time to Time in each County in this State, as Occaſion may require. And each Collector ſo appointed, ſhall be ſworn to a faithful Diſcharge of his Office, and alſo become bound with one or more ſufficient Sureties, Freeholders and Inhabitants of this State, before ſuch County Court, or any one of the Judges thereof, in a Recognizance of two Thouſand Pounds lawful Money, to the Treaſurer of this State, conditioned that ſuch Collector ſhall well and faithfully execute and perform his ſaid Office according to Law, and make good all Damages that ſhall accrue to this State by means of his Failure therein; which Bond ſhall be entered on the Records of ſuch County Court.

Collectors may appoint deputies.

And ſuch Collector ſo appointed and qualified, ſhall have full Power and Authority to appoint one or more Deputy or Deputies under him from Time to Time, as may be needful, taking the Advice of the Civil Authority and Select-men in the Town where ſuch Deputy lives, therein: And ſuch Deputies ſhall likewiſe be ſworn to a faithful Diſcharge of ſaid Office.

accountable for the doings of their deputies.

And each ſuch Collector is hereby authorized and directed, either by himſelf or his Deputy, to demand, collect and receive all the Exciſe aforeſaid within their reſpective Counties: And each ſuch Collector ſhall be accountable for the Doings of his Deputies in ſaid Office, and is hereby authorized and impowered to call his ſaid Deputies, or any of them, to account for all Monies and Securities by them ſo collected, when he ſhall think proper. And each Collector, appointed by the County Court and qualified as aforeſaid, ſhall render to the Treaſurer of this State a true Account

count of all his Doings in ſaid Office, and of all the Monies collected, and Securities received, on the Articles aforeſaid, by him and his Deputies, by Virtue of this Act, once in three Months, and oftner if required.

To render account to the ſtate treaſurer

*And be it further enacted by the Authority aforeſaid*, That ſuch Perſons as deſire to be Retailers of any or all of the Articles aforeſaid, ſhall, before they or any of them retail any of thoſe Articles, obtain a Licence, before ſome Aſſiſtant or Juſtice of the Peace in the ſame County, and ſhall become bound before ſuch Aſſiſtant or Juſtice, with ſufficient Surety, in a Recognizance of Two Hundred Pounds lawful Money, to the Treaſurer of this State, that ſuch Retailer ſhall duly obſerve and keep all the Laws of this State, that are or ſhall be made reſpecting the Exciſe on any Articles whatever, and render a juſt and true Account upon Oath, to the Collector of Exciſe in the County where ſuch Collector dwells, or to his Deputy, when ever demanded, of all the Articles ſuch Retailer or Innholder ſhall have on Hand, ſubject to Exciſe, at the Time of granting ſuch Licence, and of all ſuch Articles as he ſhall have had or vended, at or before the rendering ſuch Account, and pay the Exciſe thereon to ſuch Collector (ſubſtracting one eighth Part of ſuch diſtilled Spirits and brown Sugars for Leakage and Waſtage:) Which Licence ſhall continue in Force one Year, and no longer, from the Date thereof. And ſuch Aſſiſtant or Juſtice ſhall tranſmit a Copy of ſuch Licence and Bond to the Collector of Exciſe in the County; and his Fee for granting Licence and taking Bond as aforeſaid, ſhall be *Three Shillings* lawful Money; and for an atteſted Copy thereof *One Shilling* and *Six-pence*, to be paid by ſuch Retailer.

Retailers to obtain licence.

To give bond

To render account to the collector, &c.

One eighth per cent. allowance for leakage, &c.

Licence to continue one year.

Copy to be ſent to the collector—fee therefor.

That no Retailer, licenced as aforeſaid, ſhall directly or indirectly ſell a leſs Quantity of the Liquors aforeſaid, than one Quart, or ſuffer the ſame to be drank in his Houſe, under the ſame Penalties by Law provided againſt ſelling ſtrong Liquors in ſmall Quantities without Licence. And no Perſon or Perſons (excepting licenced Tavern-keepers and Retailers) ſhall ſell any diſtilled ſpiritous Liquors by leſs Quantity than thirty Gallons, upon the Penalty aforeſaid. That if any Perſon or Number of Perſons, ſhall purchaſe more than thirty Gallons of any of the diſtilled Spirits aforeſaid, for their own private Uſe and Conſumption, the ſame ſhall nevertheleſs be ſubject to pay the Exciſe aforeſaid, and may be collected from the Purchaſer thereof in the ſame Manner as from Retailers or Tavern-keepers. And it ſhall be the Duty of each ſuch Collector and Deputy-Collector to make diligent Enquiry after all the Goods or Articles ſubject to the Payment of Exciſe within their reſpective Counties, and to demand of every Retailer, Tavern-keeper, or other Perſon or Perſons whatſoever, on or before the 20th Day of *April*, 1783, and as often as once in three Months afterwards, a true Manifeſt in Writing under Oath, containing an Invoice under his or their Hands, of all the Articles ſubject to the Payment of Exciſe; therein expreſſing the Marks, Number, Quantity and Quality thereof, and the Place where lodged, kept or ſtored; which Oath may be adminiſtred by ſuch Collector or his Deputy, or by any Aſſiſtant or Juſtice of Peace, as follows, viz.

Not to ſell leſs than a quart of liquor.

No perſon, except, &c. to ſell leſs than 30 gallons.

Collectors to make enquiry afrer goods ſubject to pay exciſe.

To demand a manifeſt of retailers, &c. under oath.

*YOU ſwear, that the Manifeſt you have now made, contains a full and true Account of all the Articles you own or have on Hand, for the Purpoſe of Retailing or Conſumption, ſubject by Law to the Payment of Exciſe, on which the ſame has not been paid, nor ſecured to be paid, according to your beſt Knowledge and Belief; and that you have not directly nor indirectly concealed or diſpoſed of any ſuch Article or Articles to avoid the Payment or prevent the Collection of the Exciſe thereon required by Law.* So help you GOD.

Form of the oath.

And in Caſe any Retailer of any of the Articles aforeſaid, or any Innholder or other Perſon or Perſons, ſhall refuſe or neglect to give in an Ac-

Penalty for refuſing to give account or rendering a falſe account.

count under Oath as aforeſaid, in a reaſonable Time after Demand made as aforeſaid, or ſhall render a falſe Account, ſuch Retailer, Innholder, or other Perſon or Perſons, ſhall forfeit and pay the Sum of *One Hundred Pounds* lawful Money, one Half to the Treaſurer of this State, and the other Half to ſuch Collector or his Deputy, or the Perſon who ſhall proſecute the ſame to Effect in any Court proper to try the ſame, and ſhall be adjudged incapable of holding or receiving any Licence to retail any Goods, Wares or Merchandize, or to keep a Tavern, or Houſe of Entertainment within this State.

Collectors may take ſecurity for payment.

And when any Retailer of any of the Articles aforeſaid, or any Innholder or other Perſon ſhall deſire it, ſuch Collector or his Deputy may take good Security for ſuch Exciſe, payable to the Governor and Company of this State; one Half on Demand, and the other Half in three Months, with Intereſt until paid.

Diſputes concerning the quantity, &c. how determined.

And if any Diſpute ſhall ariſe concerning the Value or Quantity of any of the Articles aforeſaid, by which the Exciſe thereof is to be aſcertained, the ſame ſhall be determined by two diſintereſted Perſons, to be agreed upon by ſuch Collector, and Retailer, or Tavern-keeper, or other Perſon; or in caſe they cannot agree, ſuch Collector ſhall apply to the next Aſſiſtant or Juſtice of the Peace, who is diſintereſted, and he ſhall appoint two judicious Perſons for the Purpoſe aforeſaid, who ſhall be ſworn to appraiſe the ſame, and aſcertain the Quantity and Quality, according to their beſt Judgment, and make return of their Doings thereon to ſuch Collector; and he ſhall collect the Exciſe thereon accordingly, together with the Coſt of ſuch Appraiſal. And all ſuch Articles as ſhall be liable to the Payment of Exciſe by Virtue of this Act, may, on Neglect or Refuſal of Payment, be taken by ſuch Collector or his Deputy, if to be found within his Precincts; and ſhall be advertiſed and ſold at public Vendue, in the ſame Manner as Goods are ſold by Collectors for the Payment of public Taxes, ſufficient to pay ſueh Exciſe and Coſt of Sale; and the Remainder ſhall be returned to the Owner, or Place where taken.

On refuſal of payment, goods to be ſold.

Power of collectors to enter ſtores.

And ſuch Collector may enter any Store or Place for the Execution of his ſaid Office, as ſhall be needful, after making Demand at the Door of Entrance, and refuſal or neglect to grant the ſame, in the Day Time. And the Fee or Reward of ſuch Collector or his Deputy, ſhall be Seven and one Half per Cent, on all Monies by him collected and paid, according to the Directions of this Act. And it ſhall be the Duty of the Collector in each County, to ſee that all Securities taken by him or his Deputy, for Exciſe, be duly collected; and on Failure thereof to put the ſame in Suit, by Attachment or otherwiſe, and purſue the ſame to final Judgment, by himſelf or Attorney, as he ſhall find to be needful; and ſhall be accountable for his Doings thereon to the Governor and Company of this State.

Goods purchaſed of perſons not licenced—the exciſe how collected.

And when the Collector of Exciſe ſhall ſuſpect any Perſon hath purchaſed any of the aforeſaid Articles ſubject to Exciſe, or hath ſupplied himſelf by any other Means than by purchaſing from a licenced Retailer, it ſhall be the Duty of ſuch Collector to apply to ſuch Perſon for an Account of all ſuch Articles as he hath ſo ſupplied himſelf with to be uſed in his Family or Buſineſs in this State; and upon Refuſal, he ſhall take out a Warrant from a Juſtice of the Peace, to ſummon ſuch Perſon to appear before him and render ſuch Account on Oath, according to the beſt of his Knowledge, and pay ſuch Duty accordingly; and upon Refuſal, it ſhall be the Duty of ſuch Juſtice to give Judgment for any Sum that he ſhall think juſt and reaſonable, not exceeding the Sum of *Five Pounds* and Coſt.

Penalty on thoſe who retail without licence.

*And be it further enacted by the Authority aforeſaid*, That no Perſon or Perſons whatſoever ſhall ſell by Retail, any of the Articles aforeſaid, within this State, without Licence firſt had and obtained, on Pain of forfeiting double

double the Price or Value of the Articles ſold; one Half to him that ſhall ſue for and proſecute the ſame to effect, and the other Half to the Treaſurer of this State.

Monies how diſpoſed of.

*And be it further enacted by the Authority aforeſaid*, That all the Monies raiſed by Exciſe, by Virtue of this Act, ſhall be, and the ſame are hereby pledged and ſecured in the firſt Inſtance, for the Payment of the annual Intereſt of ſuch Monies as have been, or may be procured on Loan by Order of this Aſſembly.

Innholders to give bond.

And all Innholders or Taverners, upon taking out Licence, ſhall give Bonds according to the Tenor of this Act.

Exciſe not to extend to articles wrought in this ſtate.

*Be it further enacted by the Authority aforeſaid*, That the enumerated Articles on which an Exciſe of Five per Cent. is laid by this Act, ſhall not extend to any Articles wrought or manufactured in this State.

Additional fine of 6l. on perſons who ſell exciſed articles without licence.

*And be it further enacted by the Authority aforeſaid*, That any Perſon who ſhall ſell any of the Articles by Law ſubject to an Exciſe, without Licence, ſhall (in Addition to the Penalties incurred by this Act) pay a Fine of *Six Pounds* for every ſuch Offence, for the Uſe of this State: And the Collectors, and Deputy Collectors of Exciſe within their reſpective Diſtricts, and all other informing Officers, are hereby enjoined to enquire after and due Preſentment make of all Breaches of this Act.

## An Act for directing and regulating the levying and ſerving Executions.

Officers duty to repair to the debtor's abode, and make demand, &c.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when any Judgment is recovered, and Execution is taken out thereon, the Sheriff or other Officer to whom the Execution is directed, ſhall repair to the Place of the Debtor's uſual Abode, if within his Precinct, and there make Demand of the Debt or Sum due on ſuch Execution, with all neceſſary Charges of executing the ſame; and upon refuſal or neglect of Payment of the ſame, the Officer ſhall levy the Execution upon any of the perſonal or moveable Eſtate of the Debtor; except neceſſary Apparel, Bedding, Tools, Arms or Implements of his Houſhold, neceſſary for upholding his Life; and upon ſuch Goods alſo, if they ſhall be preſented by the Debtor.

Goods to be poſted, &c.

And the Officer ſhall forthwith draw an Account of the Particulars of the Goods or Eſtate he ſhall ſo ſeize and take, and ſet up the ſame on the Sign Poſt of the Town wherein he ſhall ſeize the ſame: And the Officer, with the Account of the ſaid Goods, ſhall ſet up a Declaration, that the ſaid Goods ſo poſted, are to be ſold at the Place where poſted, at public Vendue, at the End of twenty Days after, naming the Day of the Month.

To be ſold after twenty days, &c.

And in Caſe the Debtor ſhall not within the ſaid twenty Days, pay the Debt, and all the Coſt and Charges ariſen thereon, the Officer ſhall cauſe a Drum to be beaten at the Sign-poſt to give Notice to Cuſtomers to come; and ſhall ſell the ſaid Goods (or as many of them as ſhall be neceſſary) there, at an Out-cry to the higheſt Bidders; and of the Effects thereof ſhall pay the Debt and Charges due to the Creditor, and ſatisfy himſelf for his own Fees and Charges, and the Overplus (if any be) ſhall return to the Owner thereof.

For want of perſonal eſtate, to take land, in caſe, &c.

That in Caſe moveable or perſonal Eſtate of the Debtor, ſufficient to ſatisfy the Debt and Charges, cannot be found, and the Creditor ſhall not agree to accept or take the Debtor's Lands, the Officer ſhall levy the Execution on the Debtor's Body, and him commit to the common Goal in the County in which the Execution is levied, where the Debtor ſhall remain until he ſhall pay the Debt and Charges, with the Officer's and Priſon-keeper's Fees.

And

Copy of execution ſufficient warrant for commitment, &c.

And every Officer who ſhall commit any Perſon to Priſon by Virtue of Diſtreſs or Execution, ſhall deliver a Copy of the Writ or Execution ſigned by ſuch Officer, to the Gaoler or Priſon-keeper; which Copy, ſo ſigned and delivered, ſhall be a ſufficient Warrant or Order to the Gaoler to receive ſuch Perſon or Perſons, and him or them to hold in ſafe Cuſtody, till delivered by Law.

Lands, &c. ſubject to be taken on execution where perſonal eſtate is not ſufficient, &c.

*And be it further enacted by the Authority aforeſaid*, That all Lands and Tenements belonging to any Perſon in his own proper Right in Fee, ſhall ſtand charged with all the juſt Debts owing by ſuch Perſon as well as his perſonal Eſtate, and ſhall be liable to be taken in Execution for Satisfaction of the ſame, where the Debtor or his Attorney ſhall not expoſe to view and tender to the Officer perſonal Eſtate ſufficient to anſwer the Sum mentioned in the Execution with all Charges. And all Executions duly ſerved upon any ſuch Houſes and Lands, being, with the Return of the Officer thereon, recorded in the Records of Lands in the Town wherein ſuch Houſes or Lands are ſituate; and alſo returned into the Clerk's Office of the Court out of which the ſame iſſued, and there recorded, ſhall make a good Title to the Party for whom they ſhall be taken, his Heirs and Aſſigns forever.

Mode of levying executions on land.

And whenſoever any Execution ſhall be levied upon Lands, the ſame ſhall be appraiſed by three indifferent Freeholders of the ſame Town where ſuch Lands lie; or if that Town be a Party, then of the next adjoining Town; one of whom may be choſen by the Debtor, and another by the Creditor; and if they do not agree in chooſing a third, or if either Party neglect to chooſe, the Officer ſhall apply to the next Aſſiſtant or Juſtice of the Peace, who by Law may judge between the Parties in civil Cauſes, which Authority ſhall appoint one or more Appraiſers, as the Caſe may require, which Appraiſers ſhall be ſworn according to Law.

To be recorded in the town records, &c.

And it ſhall be the Duty of the Officer that levies ſuch Execution on Lands, to cauſe the Execution, with his Endorſement thereon, to be entered on the Town Records as aforeſaid, before he returns the ſame into the Clerk's Office of the Court out of which it iſſued; and the Officer ſhall have Two Shillings for cauſing the ſame to be ſo recorded, with additional Fees for his Travel.

[So much of the laſt recited Paragraph as reſpects recording the Execution and Return in the Town Records, and the Appointment of the Appraiſers, was enacted in October, One Thouſand ſeven Hundred and Sixty-ſix.]

Executions may be directed to any officer in the county where the perſon or eſtate is, &c.

*And be it further enacted by the Authority aforeſaid*, That all Executions iſſuing out of the Office of the Clerk of the County Courts, or Superior Courts reſpectively, and Executions granted by Juſtices of the Peace, where by Law they have Authority to grant Execution, may by the ſaid Juſtices and Clerks reſpectively, be directed to any of the Officers proper to ſerve the ſame, in any of the Counties in this State, in which the Perſon dwells, or the Eſtate whereon the ſame is to be levied is, at the Time of granting the Execution: Which Officers to whom the ſame is directed and delivered, ſhall duly and faithfully ſerve and return the ſame according to the Directions therein given: Which being returned, ſhall be kept on File in the Office out of which the ſame iſſued.

What time to be made returnable, &c.

And that all Writs of Execution ſhall be made returnable within ſixty Days or to the next Court (in Caſe ſixty Days are remaining between the Date of the Execution and the next Court) at the Election of him that prays it out. And all Executions granted by a ſingle Miniſter of Juſtice, ſhall be made returnable in ſixty Days. And all Conſtables, as well as Sheriffs, ſhall have Power to execute any Writ of Execution to them directed, within their own Precincts.

# An Act for regulating Fees.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That the Establishment of the Fees of the several Officers of this State, shall be as follows, *to wit,*

Fees of the several officers in this State.

| | £. | s. | d. | |
|---|---|---|---|---|
| **Assistants Fees.** | | | | |
| For attending the General Assembly, per Day, *Nine Shillings*, | 0 | 9 | 0 | Assistants. |
| Travel per Mile out, *Six-pence*, | 0 | 0 | 6 | |
| **Representatives Fees.** | | | | |
| For attending the General Assembly, per Day, *Six Shillings*, | 0 | 6 | 0 | Representatives. |
| Travel per Mile out, *Six-pence*, | 0 | 0 | 6 | |
| **Superior Court's Fees.** | | | | |
| Chief Judge, per Day, *Eighteen Shillings*, | 0 | 18 | 0 | Sup. court. |
| Assistant Judges, per Day, *Seventeen Shillings*, | 0 | 17 | 0 | |
| For trying each Action, *Twenty-four Shillings*, | 1 | 4 | 0 | |
| Each Default or Confession, *Twelve Shillings*, | 0 | 12 | 0 | |
| **Clerk of the Superior Court's Fees.** | | | | |
| For entering each Action and Judgment, *Three Shillings*, | 0 | 3 | 0 | Clerk of sup. court. |
| Filing each Deposition, *Three-pence*, | 0 | 0 | 3 | |
| Entering each Judgment acknowledged, *One Shilling*, | 0 | 1 | 0 | |
| Each Execution, *One Shilling* and *Six-pence*, | 0 | 1 | 6 | |
| For Copies, each Page of twenty-eight Lines, ten Words in a Line, *One Shilling* and *Six-pence*, | 0 | 1 | 6 | |
| **County Court's Fees.** | | | | |
| Chief Judge per Day, *Twelve Shillings*, | 0 | 12 | 0 | County court |
| Each Justice of the Quorum, per Day, *Nine Shillings*, | 0 | 9 | 0 | |
| Trying each Action, *Twelve Shillings*, | 0 | 12 | 0 | |
| Each Judgment, Default, or Confession, *Three Shillings* and *Six-pence*, | 0 | 3 | 6 | |
| Licence to each Tavern-keeper, *Six Shillings*, | 0 | 6 | 0 | |
| (Whereof to the Clerk, *One Shilling.*) | | | | |
| Licence to each Tanner, *Six Shillings*, | 0 | 6 | 0 | |
| **Jury's Fees at the Superior or County Court.** | | | | |
| For trying each Action, *Thirty-six Shillings*, | 1 | 16 | 0 | Jury. |
| Travel out per Mile, *Three-pence*, | 0 | 0 | 3 | |
| **Clerk of the County Court's Fees.** | | | | |
| For entering each Action, *Three-pence*, | 0 | 0 | 3 | Clerk county court. |
| Entering each Judgment or Continuance, *One Shilling*, | 0 | 1 | 0 | |
| For granting Writs, taking Bond, &c. the same as Justices Fees for like Services. | | | | |
| For Copies of every Kind, each Page of twenty-eight Lines, ten Words in a Line, *One Shilling* & *Six-pence*, | 0 | 1 | 6 | |
| **Court of Probate's Fees.** | | | | |
| Granting Administration, to the Judge, *One Shilling* and *Six-pence*, | 0 | 1 | 6 | Court of probates. |
| Receiving and Probate of every Will, and Inventory of *Fifty Pounds* or under, *Two Shillings*, | 0 | 2 | 0 | |
| (Whereof to the Clerk, *Nine-pence.*) | | | | |
| Receiving and Probate of every Will, and Inventory, of more than *Fifty Pounds*, *Three Shillings*, | 0 | 3 | 0 | |
| (Whereof to the Clerk, *One Shilling.*) | | | | |
| Each Quietus, *One Shilling*, | 0 | 1 | 0 | |
| (Whereof to the Clerk, *Six-pence.*) | | | | |
| Recording every Will, and each Inventory of *Fifty Pounds*, or under, *Two Shillings* and *Six-pence*, | 0 | 2 | 6 | |
| For recording every Will, and each Inventory of more than Fifty Pounds, and not exceeding One Hundred Pounds, *Three Shillings*, | 0 | 3 | 0 | |

And

| | | | | |
|---|---|---|---|---|
| | And for every hundred Pound, after the firſt Hundred, *Three-pence*, | 0 | 0 | 3 |
| | And for a Copy, the ſame. | | | |
| | Each Bond for Adminiſtrator, and each Letter of Adminiſtration, *One Shilling*, | 0 | 1 | 0 |
| | For making out and regiſtering a Commiſſion for receiving and examining the Claims of Creditors of an Inſolvent Eſtate, *One Shilling*, | 0 | 1 | 0 |
| | Regiſtering the Report of Commiſſions, per Page of twenty-eight Lines, ten Words in a Line, *One Shilling* and *Six-pence*, | 0 | 1 | 6 |
| | Making and entering an Order on the Adminiſtrator to pay out the Eſtate to the Creditors in due Proportion, *Four Shillings*, | 0 | 4 | 0 |
| | Recording a Diſtribution, the ſame as for regiſtering the Report of Commiſſioners. | | | |
| | Allowing Accounts for ſettling and dividing Inteſtate Eſtates, *One Shilling and Six-pence*, | 0 | 1 | 6 |
| | Appointing Guardian and taking Bond, *Two Shillings*, | 0 | 2 | 0 |
| | (Whereof to the Clerk, *One Shilling*.) | | | |
| | Order to ſell Land, *Three Shillings*, | 0 | 3 | 0 |
| | **Aſſiſtants and Juſtices Fees.** | | | |
| | Signing an Attachment or Summons for Action, *Six-Pence*, | 0 | 0 | 6 |
| | Taking every Bond of Recognizance, *Six-pence*, | 0 | 0 | 6 |
| | Summons for Witneſſes, *Six-pence*, | 0 | 0 | 6 |
| Juſtices. | Entering and Trial of an Action, *Three Shillings*, | 0 | 3 | 0 |
| | Execution, *One Shilling*, | 0 | 1 | 0 |
| | Judgment on Confeſſion or Default, *One Shilling* and *Six-pence*, | 0 | 1 | 6 |
| | Warrant in a Criminal Caſe, *One Shilling*, | 0 | 1 | 0 |
| | Bond for Appeal, *Six-pence*, | 0 | 0 | 6 |
| | Copies the ſame Fees as Clerks of Courts. | | | |
| | Affidavit taken out of Court, *Six-pence*, | 0 | 0 | 6 |
| | Entering a Plea of Title, and taking Bond, *Three Shillings*, | 0 | 3 | 0 |
| | Taking Acknowledgment of a Deed, &c. *Six-pence*. | 0 | 0 | 6 |
| | **Secretary's Fees.** | | | |
| Secretary. | Recording Laws and Orders of the General Aſſembly, of public Concernment, each, *One Shilling*, | 0 | 1 | 0 |
| | Affixing the State Seal, each Time, *One Shilling*, | 0 | 1 | 0 |
| | Each Military Commiſſion, *One Shilling*, | 0 | 1 | 0 |
| | Each Commiſſion for Juſtices in a County, *Five Shillings*, | 0 | 5 | 0 |
| | Commiſſion for Judges of the Superior Court, *Three Shillings*, | 0 | 3 | 0 |
| | Each Commiſſion for a Judge of the County Court, or Court of Probates, *One Shilling* and *Six-pence*, | 0 | 1 | 6 |
| | Each Petition or Memorial to the General Aſſembly, *One Shilling* and *Six-pence*, | 0 | 1 | 6 |
| | For the Uſe of the State, on each Petition, *Twenty Shillings*, | 1 | 0 | 0 |
| | For Copy of each Order of the General Aſſembly, on a Petition or Memorial, not exceeding one Folio Page, *One Shilling* and *Six-pence*, | 0 | 1 | 6 |
| | For Copies of greater Length, and all other Copies, the ſame as the Clerk of the Superior Court. | | | |
| | **Sheriffs and Conſtables Fees.** | | | |
| | Serving every Summons, *Four-pence*, | 0 | 0 | 4 |
| | If by Copy, *Six-pence*, | 0 | 0 | 6 |
| Sheriffs and Conſtables. | Serving every Attachment, *Six-pence*, | 0 | 0 | 6 |
| | Bail Bond, *One Shilling*, | 0 | 1 | 0 |
| | Levying every Execution not exceeding one Pound, *One Shilling* lawful Money, and *Three-pence* per Pound for every Pound above that Sum, in the ſame Currency of the Execution, or equivalent in lawful Money. | | | |

Attending

| | | | | |
|---|---|---|---|---|
| Attending a Juſtice's Court, on Trial of each Action when obliged to attend, *One Shilling* and *Six-pence*, | 0 | 1 | 6 | |
| Each Mile Travel out, *Three-pence*, | 0 | 0 | 3 | |
| Sheriff attending the General Court or Superior or County Court per Day, *Six Shillings*, | 0 | 6 | 0 | |
| Conſtable for like Service, *Four Shillings*, | 0 | 4 | 0 | Conſtable. |
| Fees for Plaintiff or Defendant attending Court per Day, *One Shilling* and *Six-pence*, | 0 | 1 | 6 | Plaintiff and defendant |
| Witneſſes attending any Court per Day, each *Two Shillings*, | 0 | 2 | 0 | Witneſs. |
| Travel for Witneſs per Mile, *Three-pence*, | 0 | 0 | 3 | Travel. |
| To the Party per Mile, *Two-pence*, | 0 | 0 | 2 | |
| Each Jury-man for viewing Highways per Day, *Four Shillings*, | 0 | 4 | 0 | Jurymen viewing highway. |
| Officers attending ſuch Jury per Day, *Five Shillings*, | 0 | 5 | 0 | |
| **Town Clerk's Fees.** | | | | |
| For recording a Deed, *One Shilling*, | 0 | 1 | 0 | |
| For Copy of a Deed, *One Shilling*, | 0 | 1 | 0 | |
| For other Copies, and recording ſurvey Bill, the ſame Fees as the Clerk of the County Court for Copies. | | | | Town-clerk. |
| For recording of Marriage, Birth or Death, *Three-pence*, | 0 | 0 | 3 | |
| **Attorney's Fees to be taxed in Bills of Coſt.** | | | | |
| At the Superior Court, *Eight Shillings*, | 0 | 8 | 0 | Attorney. |
| At the County Court, *Four Shillings*, | 0 | 4 | 0 | |
| Each Grand Jury-man for attending the Superior or County Court, per Day, *Four Shillings*, | 0 | 4 | 0 | |
| Travel per Mile out, *Four-pence*, | 0 | 0 | 4 | |
| Each Witneſs in Criminal Caſes, at the Suit of the State, for Attendance at the Superior or County Courts, and Expences, per Day, *Four Shillings*, | 0 | 4 | 0 | |
| If before an Aſſiſtant or Juſtice, per Day, *Two Shillings*, | 0 | 2 | 0 | |
| **State Attornies Fees,** **Not exceeding the following Allowances.** | | | | |
| For conducting and pleading each Criminal Caſe, not Capital, before the Superior Court, on Bill found by the Grand-Jury, *Two Pounds Ten Shillings*, | 2 | 10 | 0 | |
| Drawing an Indictment or Information, *Six Shillings*, | 0 | 6 | 0 | |
| For a Trial before the Superior Court, in a Criminal Caſe, on Information, or for conducting and pleading a Civil Cauſe, on Behalf of the State, *Two Pounds*, | 2 | 0 | 0 | State attorney. |
| For proſecuting a Civil Cauſe, when Judgment is given on Confeſſion or Default, in the Superior Court, *One Pound*, | 1 | 0 | 0 | |
| For a Capital Trial, *Four Pounds*, | 4 | 0 | 0 | |
| In a Criminal Caſe, on Confeſſion, before the Superior Court, *One Pound Ten Shillings*, | 1 | 10 | 0 | |
| In Caſe of *nolle Proſequi* entered, or a return of a Grand-Jury, not a true Bill, *One Pound*, | 1 | 0 | 0 | |
| If an Aſſiſtant Attorney is allowed in any Trial, not Capital, before the Superior Court, in Behalf of the State, his Fee ſhall be *One Pound*, | 1 | 0 | 0 | Aſſiſting-attorney. |
| Or if Capital, *Two Pounds*, | 2 | 0 | 0 | |
| In Proſecution on Behalf of the State, before the County Court, the Attorney ſhall be allowed, not exceeding two Thirds of the Fees allowed for the like Services in the Superior Court; or leſs, at the Diſcretion of the Court. | | | | |
| **County Surveyor's Fees.** | | | | |
| For himſelf and Horſe, beſides Expences, per Day, *Six Shillings* | 0 | 6 | 0 | County ſurveyor. |

| | Poſt Wages. | £. | s. | d. |
|---|---|---|---|---|
| | For Man, Horſe and Expences, per Mile out, *Five-pence*, | 0 | 0 | 5 |
| Poſts. | The ſame for Men employed in purſuit of Criminals, or conducting them to Gaol, and other like Services done by Order of Authority. | | | |
| Gaolers. | Gaolers Fees. | | | |
| | For Commitment and Diſcharge of a Priſoner, *Two Shillings*, | 0 | 2 | 0 |
| | For dieting each Priſoner, per Week, *Five Shillings*, - | 0 | 5 | 0 |
| | Naval-Officers Fees. | | | |
| | For Clearance of a Veſſel bound to any other of the United States, *Six Shillings*, - - - - | 0 | 6 | 0 |
| Naval officers | For Clearance of a Veſſel bound to the *Weſt-Indies*, *Twelve Shillings*, - - - | 0 | 12 | 0 |
| | For Clearance of a Veſſel bound to *Europe*, *Aſia*, or *Africa*, *Eighteen Shillings*, - - - - | 0 | 18 | 0 |
| | For a Regiſter, *Eight Shillings*, - - - | 0 | 8 | 0 |
| | For indorſing a Regiſter, *Two Shillings*, - - | 0 | 2 | 0 |
| | For cancelling a Bond, *Two Shillings*, - - | 0 | 2 | 0 |
| | For Bond, *Two Shillings*, - - - | 0 | 2 | 0 |
| | For Cocket, *Three Shillings*, - - - | 0 | 3 | 0 |
| | For a Permit to Load or Unload, *Two Shillings*, - - | 0 | 2 | 0 |

## An Act for the Puniſhment of divers capital and other Felonies.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That if any Man or Woman ſhall lie with any Beaſt or Brute Creature, by carnal Copulation, ſuch Perſon ſhall be put to Death; and the Beaſt ſhall be ſlain and buried.

Beaſtiality.

That if any Man ſhall lie with Mankind, as he lieth with Womankind, both of them have committed Abomination, they both ſhall be put to Death; except it ſhall appear that one of the Parties was forced, or under fifteen Years of Age; in which Caſe the Party forced, or under the Age aforeſaid, ſhall not be liable to ſuffer the ſaid Puniſhment.

Sodomy.

That if any Perſon riſe up by falſe Witneſs, wilfully, and of Purpoſe to take away any Man's Life, ſuch Offender ſhall be put to Death.

Falſe witneſs.

That if any Perſon of the Age of ſixteen Years, or more, ſhall wilfully, and of Purpoſe, burn any Dwelling-Houſe, Barn, or Out-Houſe, he ſhall be put to Death: Or if no Prejudice or Hazard to the Life of any Perſon happen thereby, ſhall ſuffer ſuch other ſevere Puniſhment as the Superior Court ſhall determine, and alſo ſatisfy all Damage to the injured or aggrieved Party.

Arſon.

That if any Perſon or Perſons ſhall wilfully and maliciouſly burn or deſtroy, or attempt or conſpire to burn or deſtroy any Magazine of Proviſions, or of military or naval Stores, belonging to the United States of *America*, or to this State; or if any Maſter, Officer, Seaman, Mariner, or other Perſon, entruſted with the Navigation or Care of any Veſſel belonging to the ſaid United States, or Veſſel belonging to this State, ſhall wilfully and maliciouſly burn or deſtroy, or attempt or conſpire to burn or deſtroy ſuch Veſſel, or in Time of War, ſhall wilfully betray, or voluntarily yield or deliver any ſuch Veſſel to the Enemies of the United States of *America*; every ſuch Perſon, and their Aiders or Abettors, on legal Conviction of either of the Offences aforeſaid, ſhall ſuffer Death; or if any of the ſaid Offences, when committed in Time of Peace, ſhall be attended with ſuch alleviating Circumſtances as in the Judgment of the Superior Court may render

Burning magazines, veſſels, &c.

render it reaſonable to inflict a lower Puniſhment, ſuch Perſon may be puniſhed by whipping on his naked Body, not exceeding forty Stripes, and by Baniſhment, or Impriſonment in any Work-houſe, or Houſe of Correction, not exceeding ten Years, and a Forfeiture of all the Eſtate of ſuch Offender, to the Uſe of this State, at the Diſcretion of the ſaid Court.

That if any Perſon on Purpoſe, and of Malice, Fore-thought, and by laying in Wait, ſhall cut out or diſable the Tongue; or put out an Eye or Eyes, ſo that the Perſon is thereby made blind; or ſhall cut off all, or any of the privy Members of any Perſon; or ſhall be aiding or aſſiſting therein, ſuch Offender, or Offenders ſhall be put to Death. Cutting off members.

That if any Perſon within this State, ſhall preſume wilfully to blaſpheme the Name of God the Father, Son, or Holy Ghoſt, either by denying, curſing, or reproaching the true God or his Government of the World; every Perſon ſo offending ſhall be puniſhed by whipping on the naked Body, not exceeding forty Stripes, and ſitting in the Pillory one Hour; and may alſo be bound to his good Behaviour, at the Diſcretion of the Superior Court who ſhall have Cognizance of the Offence. Blaſphemy.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon within this State, having been educated in, or having made Profeſſion of the Chriſtian Religion, ſhall by writing, printing, teaching, or adviſed ſpeaking, deny the Being of a God; or any one of the Perſons in the Holy Trinity to be God; or ſhall aſſert and maintain that there are more Gods than One; or ſhall deny the *Chriſtian* Religion to be true, or the Holy Scriptures of the Old and New-Teſtament to be of Divine Authority, and be thereof lawfully convicted before any of the Superior Courts of this State, ſhall for the firſt Offence, be incapable to have or enjoy any Offices or Employments, eccleſiaſtical, civil or military, or any Part in them, or Profit by them: And the Offices, Places and Employments enjoyed by ſuch Perſons at their Conviction, ſhall be void. Deiſm.

And ſuch Perſon being a ſecond Time convicted of any of the aforeſaid Crimes, ſhall be diſabled to ſue, proſecute, plead, or maintain any Action or Information in Law or Equity; or be Guardian of any Child, or Executor of any Will, or Adminiſtrator of any Eſtate. 2d. Offence.

*Provided nevertheleſs*, That no Perſon ſhall be proſecuted by Virtue of this Act, for Words ſpoken contrary to this Paragraph thereof, unleſs Information thereof be given within ſix Months after the Offence committed. Proviſo.

*Provided alſo*, That any Perſons convicted of any of the ſaid Crimes, ſhall for the firſt Offence, upon renouncing ſuch erroneous Opinions in the Court where convicted, within twelve Months after Conviction, from the Time of ſuch renouncing, be diſcharged from all Diſabilities incurred by ſuch Conviction. Proviſo.

*And be it further enacted and provided by the Authority aforeſaid*, That the Governor, or Lieutenant-Governor of this State, for the Time being, or any three Aſſiſtants concurring, ſhall have Power to reprieve a condemned Malefactor to the next General Court. Governor, or, &c. may reprieve.

That any Perſon arraigned before the Superior Court, for Trial, on an Indictment for any capital Offence, by Law puniſhable with Death, ſhall have Liberty peremptorily, without giving any Reaſon, to challenge twenty of the Jurors, ſummoned and impannelled for ſaid Trial, and no more, without ſhewing ſufficient Reaſons. Jury may be challenged.

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## An Act for ordering and regulating Fields and Fences.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That thoſe who are, or ſhall be Proprietors or Owners of Land in any Field that now is ſettled,

reputed, or uſed, or hereafter ſhall be formed, fixed, or ſtated for a Common Field, ſhall and may meet together by themſelves or Agents, annually on the firſt Monday in *March*, or on ſuch other Day as they ſhall appoint, at the uſual Place of the Town-Meeting in the Town where ſuch Field is, or at ſuch other Place as they ſhall appoint, to order the Affairs of ſuch Field, with Reſpect to the fencing and improving ſaid Field, and all other Things neceſſary for the well ordering, managing, and improving the ſame: In which Meetings the Proprietors of ſuch Fields ſhall have full Power, by their major Vote, to be computed by Intereſt, to order all ſuch Affairs as they ſhall ſee meet.

Owners of common fields to meet annually.

*And the better to enable them to carry on and manage the Affairs of ſuch Fields*, They are hereby impowered to chuſe a Moderator, and Clerk; which Clerk ſhall enter all the Acts and Votes of the ſaid Proprietors, relating to the Management of the ſaid Common Fields; and ſhall be ſworn to a faithful Diſcharge of his Office: Whoſe Fees ſhall be the ſame as the Town-Clerks for the like Service. And ſuch Clerk being once choſen and ſworn, ſhall continue in his Office till another be choſen and ſworn in his Room.

To chooſe a moderator and clerk.

They ſhall alſo chuſe a Committee to take Care of, and manage the Affairs of their Common Field; and may alſo chuſe their own Fence-Viewers and Haywards out of their own Number of Proprietors, who ſhall be ſworn to a faithful Diſcharge of the Duties belonging to their reſpective Offices.

Alſo a committee.

And if any Perſon or Perſons ſhall refuſe to ſerve, being duly choſen, as aforeſaid, he or they ſhall incur the ſame Penalty as is provided in Caſe of Town Officers Refuſal; and to be levied in the ſame Manner.

Penalty for not ſerving.

And the Committee appointed for any Common Field may call a Meeting of the Proprietors of ſuch Field when they ſhall judge it needful; either by giving Warning unto ſuch of them as live in the Town where ſuch Field is, and to the Agents, if any be, in the ſame Town of non-reſident Proprietors, at leaſt three Days before ſuch Meeting, of the Time, Place, and Buſineſs of ſuch Meeting; or by warning the ſaid Proprietors in ſuch other Manner, as they in any of their lawful Meetings ſhall agree upon.

Committee to call meetings.

And the Proprietors of Common Fields, at any lawful Meeting, are hereby fully impowered to grant, and levy Taxes upon themſelves, according to their Intereſt in ſuch Fields, for the defraying the Charges that may ariſe in ſetting out, or altering the Fence, in making Gates and Bridges for their Field; and for any other public or common Charge about ſaid Field, as they ſhall judge needful; and appoint Rate-makers, and Collectors for the making, and gathering ſuch Rates: Which Collectors ſhall have the ſame Power and Authority as Collectors of Town-Rates have; and ſhall be under the ſame Penalties in Caſe of Refuſal to accept, and execute the ſaid Office.

Proprietors impowered to levy taxes.

*And be it further enacted by the Authority aforeſaid*, That when any Number of Proprietors, or Owners of Land, in any Town, have their Lands adjoining, and ſo ſituate as that it may be commodious, and beneficial for them to improve the ſaid Lands as a Common Field, if two third Parts of ſuch Proprietors, accounting their Votes according to Intereſt, ſhall agree to improve ſuch Lands as a Common Field; they are directed to repreſent the Circumſtances thereof to the County Court of that County; and notify the other Proprietors of ſaid Lands to appear at ſaid Court, to make Objections (if any they have) againſt ſaid Lands being improved, as aforeſaid. And on ſaid Proprietors obtaining the Approbation and Allowance of ſaid Court to improve ſaid Lands, as aforeſaid, the Proprietors and Owners of ſuch Lands are hereby fully authorized and impowered to form and improve the ſaid Lands as a Common Field: In which Caſe they ſhall have the ſame Power and Privileges, and be under the ſame Regulations, as thoſe are which are already ſtated, formed, reputed, or uſed as ſuch.

Two-thirds of proprietors agreeing, &c. to repreſent their caſe to the county court.

*And*

*And the better to enable Proprietors of Common Fields to fence, and manage, and regulate their Fences,*

*Be it further enacted by the Authority aforeſaid*, That the Committee of the Field, or a Committee to be appointed for that Purpoſe, are hereby impowered and directed to appoint, and ſet out the Place where, and the Proportion which each Proprietor ſhall have his Fence erected; either in the Line of Fence already ſtated, or in any other, or new Line to be fixed, and ſtated by the Proprietors: (Which they are fully impowered to do.)

Committee to proportion the fence.

And every Proprietor in ſuch Common Field, ſhall duly erect, (if Need be) and ſhall maintain his Proportion of the ſaid Common Fence, according to the Direction of ſuch Committee, upon the Penalty of incurring ſuch Forfeiture as is hereafter, in Caſe of defective Fence, provided: And alſo ſhall attend all Orders of the major Part of the Proprietors of ſuch Common Field, for the Improvement thereof, for the common Good and Benefit.

Proprietors to attend the orders of the major part, &c.

And that any Perſon or Perſons, having his or their Part or Proportion of Common Fence ſet out to him or them by ſuch Committee, ſhall have Liberty, in order to make or repair his or their ſaid Part or Proportion of Common Fence, of paſſing over any Perſons Lot or Land whatſoever, as much as ſhall be neceſſary for the Purpoſe aforeſaid.

May paſs over others land.

And when it ſhall ſo happen that the Line of Fence, ordered, as aforeſaid, for the encloſing any Common Field, runs, or ſhall run in, or upon the Line or Bounds between the Land of any Perſon, making a particular Encloſure, and the Lands of the Common Field, the one Moiety of the dividing Fence at ſaid Place, ſhall be made and maintained by the Proprietors of the Common Field, and the other Moiety by the Owner of ſuch Encloſure.

How ordered when fence meets a particular encloſure.

And where it ſhall ſo happen that the Common Line of Fence runs, or ſhall run acroſs the Land of any Perſon, making a particular Encloſure, leaving Part on one Side, and Part on the other Side of ſuch Common Line, Conſideration ſhall be had in proportioning out the Fence to ſuch Encloſure, of the Advantage or Diſadvantage the Owner of ſuch Encloſure hath by the Fence running acroſs, as aforeſaid: Which the Committee are to obſerve in proportioning out to ſuch Owners their Part of the Dividend Fence. And all ſuch Fence ſet out to the Owners of particular Encloſures, as aforeſaid, ſhall be inſpected and repaired by the Fence-Viewers as Part of the Fence of the Common Field.

Inſpected by the fence-viewers.

And that neither the Proprietors of ſuch Common Field, nor the Owner of ſuch Encloſure, ſhall excuſe themſelves by laying open their Field or Encloſure, from making and maintaining their Part of ſuch Dividend Fence, without Liberty ſo to do, firſt had and obtained from the County Court, in the ſame County where ſuch Fence is.

Fence not to be laid down without leave.

And where the Common Line of Fence encloſing any general Field, as aforeſaid, has already been, or hereafter ſhall be ſettled and proportioned agreeable to the Reſolves and Votes of the Proprietors aforeſaid, it ſhall ſo remain until altered by ſuch Proprietors.

When it is proportioned —to abide.

And whenſoever the Proprietors of any Common Field ſhall agree by their major Vote, computed as aforeſaid, to alter or new lay, or run their Common Fence, the Committee to effect the ſame, ſhall cauſe their Doings to be entered with the Clerk of ſaid Field.

Doings to be entered by their clerk.

And that the Proprietors Committee, from Time to Time, as Occaſion requires, ſhall have Power, and they are hereby impowered, when and ſo often as any Perſon ſhall purchaſe any Lands in ſuch Common Field, to ſet out to ſuch Purchaſer his Proportion of Fence, at the Deſire and Charge of the Grantor; which Grantor ſhall maintain ſaid Fence until ſuch Time as he procure the ſame to be done; and cauſe an Entry thereof to be made by the Clerk of ſaid Field.

Purchaſers to have their fence ſet out.

And if any Perſon having Land lying in any Common Field, ſhall deceaſe, and his Heirs or Succeſſors refuſe to make or maintain the Fence that belonged

Committee to fix the liſt of fence to the heir of the deceaſed.

longed to ſuch Land, the ſaid Committee are hereby impowered to make a juſt and equal Proportion of ſaid Fence, fixing the ſame in the Liſt of Fence to the Heirs or Succeſſors of the Deceaſed: Which Fence ſhall be accounted to ſuch Heirs or Succeſſors, as it was to their Predeceſſor.

*And to prevent Difficulties that may ariſe by the Owners of Fences in the Line of Common Fence, neglecting to keep up Stakes with the two firſt Letters of their Name on them, to diſtinguiſh their Parts of the Common Fence:*

Owners of fence in the common fields to ſet up mark'd ſtakes, on penalty, &c.

*It is further enacted by the Authority aforeſaid*, That all Owners of Fence in the Line of Common Fence, ſhall ſet and keep up ſuch Stakes, marked as aforeſaid. And that every Perſon who ſhall neglect, more than two Days, after Warning given him by either of the Fence-Viewers of that Field, to ſet up Stakes marked as aforeſaid, ſhall for every ſuch Neglect, forfeit the Sum of *One Shilling* and *Six-pence*; to be collected and paid to the Proprietors of ſuch Field, or their Order.

Common fields to be ſufficiently fenced.

*Be it further enacted by the Authority aforeſaid*, That all Common Fields ſhall be ſufficiently fenced: And that all five-rail Fence, and ſtone-wall four Feet high, being well and ſubſtantially erected; and all other Fence, either of Rails, Boards, Hedge, Ditch, Brooks, Rivers, Creeks, &c. which in the Judgment of the Fence-Viewers ſhall be equivalent to the ſaid five-rail Fence, ſhall be adjudged ſufficient Fence. And that ſuch quick-ſet Fence as ſhall be accounted ſufficient in the Judgment of the Fence-Viewers to fence againſt ruly Horſes, Neat-Cattle and Sheep, ſhall be judged and accounted ſufficient Fence.

What ſhall be accounted ſo.

*And that the Fence of common Fields may be kept up, and Damage therein prevented,*

Fence viewers to inſpect the fence.

*It is further Enacted*, That the Fence-Viewers of any Common Field, ſhall carefully inſpect the Fence of ſaid Field, and view the ſame as often as they ſhall judge it needful: And alſo whenſoever they ſhall be called out and ordered by the Committee of ſuch Field, ſhall inſpect and view the ſame, and take Care that the ſame be kept up and maintained in a good and ſufficient Manner during the Time they reſpectively ſhall continue in that Office.

Fence viewers duty and power.

And to enable them to do the ſame, They are directed and fully impowered, upon View of ſuch Common Fence, and finding any Part thereof to be inſufficient and defective, without Delay to give Notice or Information to the Owner or Owners of ſuch defective Fence, or to ſuch Perſon or Perſons as ought to maintain, or who have the Care of maintaining ſuch Fence, of the inſufficiency thereof; who ſhall ſufficiently erect or repair the ſame, within the Space of five Days after Notice given: And in Caſe of Neglect thereof, the Fence-Viewers ſhall forthwith repair and make up the ſame; and the Perſon to whom it belongs to maintain ſaid Fence, ſhall pay double Coſt and Charge to the Fence-Viewers for repairing the ſame: And in Caſe of Neglect or Refuſal to pay ſaid double Coſt and Charge, for the Space of ten Days after an Account thereof preſented, and Demand made, ſuch Coſt and Charge ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from an Aſſiſtant or Juſtice of the Peace: And for want of Goods and Chattles, the Officer ſhall deliver to the Fence-Viewers ſo much of the Lands of the Perſon deficient, as ſhall ſatisfy the ſaid Coſt and Charge, and other Coſt ariſing by a reaſonable Extent, according to the Judgment of ſaid Officer.

Proviſo.

*Always provided*, That at any Time within ten Days after the Account ſhewed, and Demand made as aforeſaid, the Perſon aggrieved with ſuch Account, ſhall have Liberty to complain to an Aſſiſtant or Juſtice of the Peace, who ſhall upon his Deſire and Coſt, iſſue a Warrant to the Selectmen of the Town, in which the Cauſe ſhall happen, or to two Fence-Viewers, not being Parties or intereſted in the Controverſy, requiring them forthwith to view and appraiſe the Coſt beſtowed by the Fence-Viewers in repairing

pairing the ſaid defective Fence: And the Party complaining ſhall pay the Fence-Viewers, for repairing ſaid Fence, double the ſaid Appraiſement: And in Caſe of Refuſal, or Neglect, forthwith to do the ſame, it ſhall be levied by Diſtreſs, and Sale of the Offender's Goods; or for want of Goods, by Extent of his Lands, by Warrant, as aforeſaid.

And if at any Time the Fence-Viewers of any Common Field ſhall find the Common Fence of ſuch Field defective, ſo much that they are not able to repair the ſame, or to hire Help ſufficient to repair the ſame, ſo as that ſuch Common Field may be timely ſecured, and do make Complaint thereof to the next Aſſiſtant, or Juſtice of the Peace, ſuch Aſſiſtant or Juſtice is hereby fully impowered to iſſue forth a Warrant to the Conſtable of that Town, or to the ſaid Fence-Viewers, to impreſs Men and Teams ſufficient to repair ſuch defective Fence; who ſhall be paid by ſuch Fence-Viewers for their Labour, as they can agree, or as ſhall be determined by ſuch Aſſiſtant, or Juſtice of the Peace.

Fence-viewers finding fence much defective, to make complaint to an aſſiſtant, or juſtice, &c.

*It is alſo further enacted*, That no Perſon ſhall feed, or bait any Cattle, or Creatures, upon his Neighbours Land, in any Common Field, without his Leave, or Conſent, from the tenth Day of *April*, to the tenth Day of *October*, Yearly; unleſs ſuch Field, by the Agreement and Order of the Proprietors thereof, ſhall be ſooner opened for Feeding. And all Cattle, or Creatures, being found Baiting, or Feeding, as aforeſaid, within the Time aforeſaid, ſhall be liable to be impounded by the Haywards of the Field, or Owner of ſuch Land.

Cattle not to be baited, without leave unleſs the field be open.

And all Damages that ſhall be done in any Common Field, or particular Incloſure, by Cattle, Horſes, Sheep, or Swine, when the Fence is ſufficient, ſhall be paid by the Owners of ſuch Creatures; but if the Fence be defective, the Poundage ſhall be paid by the Owners of ſuch Creatures, before they ſhall be releaſed out of Pound; and the ſame ſhall by him be again recovered of that Perſon whoſe Fence is found defective: *Provided* it ſhall appear that ſuch Creatures entred ſaid Field through ſuch defective Fence. And all Damages that ſhall be ſuſtained through the Deficiency of Fence, ſhall be paid or borne by the Owner of ſuch Fence.

Damage done by cattle, &c. paid by their owners.

*And to prevent Difficulties that may ariſe through the Deficiency of Fence belonging to Proprietors in Common Fields, who are non-reſident in the Town where ſuch Fields are.*

*It is further enacted by the Authority aforeſaid*, That ſuch non-reſident Proprietors of any Common Field, ſhall annually certify to the Clerk of ſaid Common Field, under his or their Hands whom he or they have appointed and impowered to be his, or their Agent or Agents to act in his or their Behalf, in all Affairs reſpecting his or their Intereſt therein: Which Agent or Agents ſhall certify to ſaid Clerk, his or their Acceptance of ſaid Truſt; and thereupon ſhall become obliged to do all the Duties, and attend the Orders of the Proprietors as fully as the reſident Proprietors by Law are.

Non reſidents to certify to the clerk, who they have appointed agent.

And if ſuch non-reſident Proprietors ſhall neglect or refuſe to conſtitute their Agents, and certify, as aforeſaid, the Fence-Viewers of the ſaid Field, upon View of the Common Fence thereof, and finding any Part of ſuch non-reſident Proprietor's Fence inſufficient, ſhall notify the Clerk of ſaid Field of the ſaid Inſufficiency, under their Hands; which Notification ſhall be deemed legal Warning to the aforeſaid non-reſident Proprietors, to take care to mend, and keep in Repair, ſuch Fence: And on Failure thereof, the Fence-Viewers are directed and impowered to take the ſame Method, and ſhall have the ſame Recompence; to be recovered in the ſame Manner as is above provided in Caſe of Reſident Proprietors Neglect, or Default.

On their refuſal, the fence-viewers to, &c.

*Always provided*, That if at any Time the Fence-Viewers ſhall repair any non-reſident Proprietor's Fence, an Account of the Coſt thereof ſhall be rendered to, and a Demand ſhall be made of ſuch Clerk, (who ſhall

Proviſo.

make

make Entry thereof) which ſhall be deemed as effectual as if preſented to, and made of ſuch non-reſident Proprietor, or Proprietors.

*And whereas Damage is often done in Common Fields by thoſe who incloſe Lands within ſuch Fields, through the Inſufficiency of their Fences.*

Therefore,

Particular incloſures in common fields to be ſufficiently fenced.

*Be it further enacted by the Authority aforeſaid*, That ſuch Incloſure ſhall be ſufficiently fenced for the Securing of Beaſts that ſhall be put into them for Paſture: To be viewed, and judged by ſome of the Fence-Viewers in the Town where ſuch Field is, who are not Parties, or intereſted in the Caſe. And if any Perſon ſhall put any Horſes, Cattle, Sheep, or Swine to Paſture in any ſuch particular Incloſure, which in the Judgment of the ſaid Fence-Viewers is not ſufficiently fenced for Securing of the Creatures ſo put to Paſture, all ſuch Creatures ſhall be as liable to be impounded as if they were looſe in the open Field. And if ſuch Creatures ſhall break out of ſuch Incloſure, and be found Damage-feaſant in the Common Field, the Owner of them ſhall pay Coſt of Poundage, and Damages as the Law in any Caſe provides.

To agree on the fees to be paid for impounded creatures.

*Be it further enacted by the Authority aforeſaid*, That the Proprietors of any common Field may, by their major Vote, computed as aforeſaid, agree on the Fee to be paid by the Owner of any Horſe, Horſe-kind, neat Cattle, or Sheep impounded out of ſuch common Field, and the Sum thus agreed on and voted in any lawful Meeting, ſhall be the lawful Fee, to be paid by the Owner of ſuch impounded Creature. *Always provided*, it be not more than *Three Shillings* for each Horſe, Horſe-kind, and neat Cattle, and for all Sheep *Four-pence* per Head.

*And for preventing Diſputes about fencing particular Incloſures, and rendering the Improvement of them profitable to the Owners:*

All the inhabitants in this ſtate, to make and maintain ſufficient fence.

*Be it further enacted by the Authority aforeſaid*, That all the Inhabitants in this State, ſhall make and maintain ſufficient Fence, or Fences (agreeable to the Direction in this Act before given reſpecting what ſhall be deemed ſufficient Fence) to ſecure their particular Fields, or Incloſures.

Creatures found damage feaſant to be impounded.

And whatſoever Creatures ſhall be found Damage-feaſant in ſuch Incloſure, fenced as aforeſaid, ſhall be liable to be impounded by the Owner of ſuch Incloſure, or his Order: And the Owner of ſuch Creature ſhall pay the Poundage and Damage. But whatſoever Damage ſhall be done by any Beaſt through the Inſufficiency of the Fence of ſuch Incloſure, ſhall not be recoverable, unleſs the Damage be done by Swine or Horſes, ſuffered to go at large on the Common; or by unruly Cattle, which will not be reſtrained by ordinary Fences; or unleſs where any Perſon ſhall put his Cattle into, or otherwiſe voluntarily treſpaſs upon his Neighbour's Ground: In all which Caſes, if the Party damnified find the Beaſts doing Damage in his Incloſure, he may impound them and recover Poundage and Damage; although his Fence be not ſufficient according to Law.

Fence viewers to be called to paſs their judgment on fence.

And whenſoever any Fence-Viewers, on Occaſion of any Cattle or other Creatures being impounded as Damage-feaſant, ſhall be called to paſs their Judgment on the Fence incloſing the Land from whence ſuch Creatures were impounded, that although ſaid Fence be found in ſome Places not fully anſwerable to the Law, yet if they judge the Fence of ſuch Incloſure to be as effectual againſt the Creatures impounded as a Five-rail Fence or Stone-wall four Feet high, well erected would be; or if it be made to appear to the ſaid Fence-Viewers, that the Creatures did not enter the encloſed Lands at the deficient Place; but over ſome Place which was ſufficient, as aforeſaid, then the ſaid Fence-Viewers ſhall declare the Fence to be ſufficient, any Thing in this Act before contained to the contrary notwithſtanding.

That when any Perſon ſhall fence any particular Field, or Incloſure, in ſetting of Poſts and Rails, Boards, or Hedge-Fence, there ſhall be Liberty for

for either Party, of twelve Inches from the dividend Line, to break the Ground to ſet the Poſts and Stakes in: But the Poſts and Stakes ſhall be ſet in the dividend Line.

Stone-wall to be made one half on his neighbours land.

And for the making Stone-wall or other Fence, there ſhall be Liberty of either Party bordering on each other, to ſet one Half of the width of ſuch Stone-wall or other Fence, on each Side of the dividend Line, provided it exceed not one Foot and a Half from ſaid Line on the Neighbours Land.

4 feet in making ditches.

And there ſhall be a Liberty of four Feet allowed for a Ditch, from the dividend Line, (except in fencing Houſe or home Lots, for either of the bordering Parties) where the Proportion of Fence belongs to them reſpectively; provided the Party making the Ditch lay the Bank thereof upon his own Land.

Dividend fence how maintained.

And that when any Perſon ſhall fence in, and improve any particular adjoining Fields or Incloſures in ſeveral, they ſhall make and maintain the dividend Fence equally between them; that is to ſay, one of them the one Half, and the other the other Half thereof.

In caſe one perſon make the whole fence before his neighbour incloſe any, how ſaid perſon ſhall be reimburſed.

And if one Perſon ſhall improve before his Neighbour, and ſo make the Whole of the Fence, and afterwards the adjoining Neighbour or Proprietor ſhall improve the adjoining Land by particular Incloſure, he ſhall purchaſe one Half of the dividend Fence, and maintain the ſame: And if the Parties do not agree in dividing or apprizing the ſaid dividend Fence, it ſhall be in the Power of the Perſon aggrieved, to call the Select-men of the Town, or major Part of them, who ſhall divide and ſet out each and every Perſon or Perſons, his or their Part of the ſaid dividing Fence, in equal Proportion; and ſhall ſet a Price upon the Fence ſo ſet out to the Perſon or Perſons laſt improving in ſeveral; to be paid to the Perſon or Perſons who erected the ſame: An Account whereof under the Select-men's Hands ſhall be a ſufficient Evidence for the Perſon or Perſons who erected ſaid Fence, to recover ſaid Price ſo ſet, of the Perſon or Perſons laſt improving, as aforeſaid.

The like method to be taken in other fences.

The like Method may be taken in dividing any dividend Line of Fence, between adjoining Proprietors of particular Incloſures, on the Motion of either Party, where it ſhall ſo happen that the other Party refuſes to divide the ſame: In dividing of which the Select-men ſhall have Regard to the better Part of ſaid Fence, (if any ſuch there be) and ſet the ſame to him who erected the ſame, or holds under him who erected it; and the Charge thereof ſhall be paid by him who wilfully refuſed to make ſuch Diviſion: For the Recovery of which the Account thereof under the Select-men's Hands ſhall be a ſufficient Evidence, as aforeſaid.

Diviſion of fence being recorded, &c.

And all Diviſions of ſuch Fence made as aforeſaid, and recorded in the Town Records of the ſame Town in which it is made, ſhall be as effectual in Law, as though the ſame was made in Writing under the Hands of the Parties concerned.

Perſons neglecting to keep dividend fence in repair.

And if any Perſon or Perſons who ought to maintain any dividend Fence, ſhall neglect or refuſe to keep in ſufficient Repair according to Law, all ſuch Fence or Fences, ſet out as aforeſaid; or divide according to the Agreement of the Parties concerned therein, appearing by Writing under their Hands, or other ſufficient Evidence to ſhew the ſame, the Perſon aggrieved ſhall have Liberty and Power, at his own Coſt, to call the Fence-viewers in the Town to view the ſame: Who, if they find the ſame inſufficient, or wanting, ſhall take the ſame Method in order to get the ſame erected or repaired: And they, or the Perſon aggrieved, ſhall have the ſame Allowance for erecting or repairing the ſame, if they, or either of them erect or repair it; and to be recovered in the ſame Manner, with Coſt of viewing the ſame, as is before provided in this Act in Caſe of Neglect to repair Fence in the Line of Common Field Fence.

Proviſo.

*Always provided*, That if the Perſon aggrieved repair ſaid inſufficient Fence, the Value of ſuch Reparation ſhall be appraiſed by the Fence-viewers.

Persons laying open their fields, &c.

And if any Person shall afterwards lay open his Field or Inclosure, (which none shall do without three Months Warning, on Penalty of paying the Damages that his Neighbour shall sustain thereby) the other Party shall have Liberty to buy the dividend Fence, paying the then present Value thereof: To be set by two Men, to be chosen by either Party one; or in Case of Non-agreement therein, by the Select-men, or major Part of them.

## An Act for regulating Ferries.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That every Person or Town that hath, or that hereafter shall have a Ferry or the Privilege of a Ferry; or Right of carrying Passengers, Teams, Horses or other Creatures, over any River, Creek, or other Place of Water in this State, shall at all Times be provided with a good tight Boat; sufficient both for Largeness, Strength, and Steadiness for the safe Transportation of Passengers and their Horses, and other Creatures: Well furnished with suitable Oars, and other Implements necessary for that Service, and Men sufficient to manage the same.

Ferry-men to be provided with sufficient boats, oars, &c.

And none shall be employed as Ferry-men but such as are of approved Discretion; strong, and able-bodied; well skilled in rowing, and managing said Service.

To be of approved discretion.

And the Select-men of the Town where such Passage is, or such Privilege is granted, are hereby required and impowered to take effectual Care that this Order, in all the Parts of it, be duly attended by all the Owners of Ferries.

Select-men to take care in this affair.

That every Keeper of a Ferry shall have the sole Liberty of the Transportation of Passengers and their Horses, from the Place where such Ferry is granted, to any other Ferry-Place, or usual Place of Landing. And no Ferry-man that shall land Passengers at any other Ferry-Place, may take Passengers from thence, if the Ferry-Boat of that Place, be ready.

Ferry-men to have the sole liberty of transporting travellers.

Provided, this Order shall not hinder any Persons that use, or have Occasion to pass in their own or their Neighbours Boats or Canoes, to their own Business and Labour from passing accordingly.

Proviso.

*And for the speedy Transportation of Passengers,*

Every Ferry-man employed in the respective Ferry-Boats in this State shall give constant and diligent Attendance on that Business from Sun-rise until nine of the Clock at Night, from the first of *April* to the first of *October*; and until eight of the Clock at Night from the first of *October* to the first of *April* annually: And shall not deny or delay the speedy carrying over of any Passenger or Passengers according to the true Intent and Meaning hereof, on Pain that every such Ferry-man upon Conviction before any one Assistant or Justice of the Peace, of the Neglect of his Duty, in not crossing said Ferries within the Time limited as aforesaid, shall forfeit and pay the Sum of *Ten Shillings:* One Half to the Informer or Complainant, who shall prosecute the same, and the other Half to the Treasurer of the Town where such Ferry is kept.

Hours of attendance.

Which Offenders may be restrained till they pay said Sum, and Costs of Prosecution: Which Prosecution and Conviction may be forthwith had, as in Cases of Delinquency.

Ferry-men being prosecuted may be restrained, &c

*Provided nevertheless,* That no Ferry-man shall be obliged to put off from their respective Shores or Wharffs, and pass the said Ferries when it manifestly appears to be Hazardous for them so to do, by Reason of any Storm, Tempest or Ice.

Proviso.

That all the Owners of Ferries shall keep and maintain good Wharves or Places of Landing, where they are wanted, upon Penalty of forfeiting such Sum as the County Court of that County in which such Wharf shall be wanted, upon Complaint to them made, shall determine to be sufficient

Owners of ferries to keep good wharves.

to

to make, or repair ſuch Wharf, or convenient Landing: Which Forfeiture ſhall be for that Uſe; and be by Order of ſuch Court laid out therefor accordingly.

That the Perſon, or Perſons that are, or from Time to Time ſhall be employed for keeping the Ferry between *New-London* and *Groton*, called *New-London* Ferry, ſhall conſtantly maintain a Boat, or Boats, in good Repair, furniſhed, as aforeſaid, ſuitable for ſaid Ferry, on each Side the Water. Boats to be kept both ſides New-London river.

*And for preventing of Danger in, and for regulating the paſſing of common Ferries,*

*It is further enacted by the Authority aforeſaid*, That no Ferry-man ſhall carry any Paſſenger over the Water in any Boat that is not ſufficient, according to this Act, upon Penalty of forfeiting ſuch Boat, or the Value thereof: One Moiety to the State Treaſury; and the other Moiety to the Informer. Boats to be ſufficient. &c.

And every Ferry-man that ſhall not provide ſufficient Oars, and other neceſſary Implements; and alſo ſuch Man, or Men, as the Condition of the Paſſage ſhall require, qualified according to this Act, as before expreſſed, for the ſafe and ſpeedy Paſſage of Travellers, ſhall for every Default therein, incur ſuch Penalty as the County Court for that County wherein ſuch Ferry is, (upon Complaint to them made) ſhall ſee cauſe to impoſe upon him. Penalty.

*Provided*, The Penalty for one Default ſhall not exceed the Sum of *Three Pounds*. Proviſo.

That no Perſon ſhall preſs, or enter into any Ferry-boat, or other Ferry-veſſel, contrary to the Will of the Ferry-man, or the major Part of the Paſſengers firſt entered, upon Pain of forfeiting the Sum of *Six Shillings* for every ſuch Attempt. 6s. penalty for preſſing into ferry-boat without conſent, &c.

And that every Ferry-man that ſhall permit, or allow any Perſon to enter into his Boat, or other Ferry-veſſel, againſt the Will of any Aſſiſtant, Juſtice of the Peace, or Repreſentative of the General Aſſembly; or any of the Elders of the Churches; or the major Part of the Paſſengers before ſhipped, or entered into ſaid Boat, or Veſſel, ſhall forfeit for every Perſon ſo admitted, or received againſt their Will ſo declared, the Sum of *Ten Shillings*. Penalty on ferry-men for permitting, &c.

And every Ferry-man ſhall have Power to keep, or put out of his Boat every Perſon that ſhall preſs, enter into, or ſtay in his Ferry-boat contrary to his Order.

That all Perſons ſhall be received into ſuch Ferry-boats according to their coming firſt, or laſt, to ſuch Ferry; only all public Officers, and ſuch as go upon public and urgent Occaſions; as Poſts, Phyſicians, Surgeons and Midwives ſhall be tranſported firſt, or with the firſt. Order of receiving paſſengers.

And that all the Fares of all the Ferries in this State ſhall be ſtated only by the General Aſſembly: And the Fare being publiſhed according to Law, ſhall be the only Fare that any Ferry-man ſhall take for carrying over Paſſengers, Horſes or other Creatures. And every Ferry-man that ſhall demand and take more than the Fare ſo ſtated, ſhall forfeit the Sum of *Twenty Shillings*: One Moiety to the Treaſurer of the State, and the other Moiety to be divided between the Informer, and the Perſon injured. In the Trial whereof no Appeal ſhall be allowed. Fares to be ſtated, &c. Penalty.

*And be it further enacted by the Authority aforeſaid*, That the Fares of the ſeveral Ferries in this State ſhall be as follows, *Viz.*

| | Man, Horse and Load. | Foot-Man. | Led Horse. | Ox, or other neat Kine. | Sheep, Swine or Goats. |
|---|---|---|---|---|---|
| *New-London* Ferry, | Six-pence | Two-pence | Four-pence | Six-pence | 3-farthing |
| *Hurlbut*'s Ferry, | Three-pence | 3 farthings | 1d. farthing | Three-pence | 1-farthing |
| *Hall*'s Ditto at *Norwich*, | Two-pence | 3 farthings | 1d. farthing | Three-pence | 1-farthing |
| Ditto at *Shetucket*, | Two-pence | 3 farthings | 1d. farthing | Three-pence | 1-farthing |
| *Niantick* Ferry, | One-penny | one half peny | 3-farthings | One penny | 1-farthing |
| *Say-Brook* do. from 1ſt *Oct.* to 1ſt *April* | Eight-pence | Three-pence | Six-pence | Eight-pence | One penny |
| From 1ſt *April* to 1ſt *Octo.* | Six-pence | Two-pence | Four-pence | Six-pence | 3-farthing |
| *Brockway*'s Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Warner*'s Ditto, | Three-pence | One-penny | 1d. half peny | Two-pence | half-peny |
| *Chapman*'s Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Eaſt Haddam* Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Middletown* Ditto, | Three-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Rocky-Hill* Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Glaſtenbury* Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Keney*'s Ditto, | 2d. farthing | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Hartford* Ditto, | 1d. half peny | one half peny | One-penny | 2d. farthing | 1-farthing |
| *Wolcott*'s Ditto, over great river Rivolet, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| | One farthing | half farthing | One-farthing | 3-farthings | half-farth. |
| *Windſor* Ditto, at *Scantick*, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Suffield* Ditto, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *New-Haven* Upper Ferry, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| Ditto, Lower do. from 1ſt *Octo.* to 1ſt *April*, | Eight-pence | Three-pence | Six-pence | Eight-pence | One-peny |
| From 1ſt *April* to 1ſt *October*, | Six-pence | Two-pence | Four-pence | Six-pence | 3-farthing |
| *Stratford* Ditto, | Four-pence | Two-pence | Three-pence | Six-pence | One-peny |
| *Derby* Ditto, | 2d. half peny | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *New-Town* Do. at *Potatuck*, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Knowles*'s, | Three-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Stratford* at the Narrows, | Two-pence | 3-farthings | 1d. farthing | Three-pence | 1-farthing |
| *Chicheſter*'s at *Cornwall*, | One-penny | one half peny | 3-farthings | One-penny | 1-farthing |
| *Deſborough*'s at the Narrows over *Sagatuck*-River, | 2d. half peny | One-penny | 1d. half peny | 3d. half peny | half-peny |
| *Packer*'s at *Miſtick*, | Two-pence | 3-farthings | 1d. farthing | Two-pence | 1-farthing |

And the Fare for every two-wheel Carriage, with one Man and Draft-horſe, ſhall be double; and for every four-wheel Carriage, one Man and Draft-horſe, treble the Fare for a Man, Horſe and Load, as ſtated above; and for every additional Perſon, or Horſe or other Beaſt, the ſame as ſtated above.

And

*And be it further enacted by the Authority aforeſaid*, That the Ferry-men, or Tenders of the Ferries at *New-London*, *Say-Brook*, *New-Haven* Lower-Ferry, *Hartford*, *Stratford*, and all other ferries in this State, where two Boats are by Act of the General Aſſembly required to be kept, ſhall carefully and diligently attend to the Conveniency of Paſſengers: And to that End they ſhall not ſuffer both the Boats to lie at the ſame Time on one Side of the Ferry; but as ſoon as one Boat has croſſed ſuch Ferry, the other Boat ſhall immediately put off and go to the other Side, whether there be any Paſſengers ready to go over or not, unleſs the other Boat ſhall immediately return. And when any Paſſengers are waiting on either Side of the Ferry after the Boat on that Side is put off, the other Ferry-man ſhall immediately put off with his Boat, to carry over the Paſſengers. And the Fare for carrying over any Paſſengers ſhall belong to the Ferry-man in whoſe Boat they paſs, unleſs the Owners of the Boats agree otherwiſe. And if any ſuch Ferry-man or Ferry-men, ſhall neglect to conform to the true Intent and Meaning of this Act, he or they, for every ſuch Offence or Neglect, ſhall forfeit and pay the Sum of *Twenty Shillings*, to be recovered in the ſame Way, and to the ſame Uſe as the other Penalties in this Act.

Ferry-men to give good Attendance, and not ſuffer both boats to be one ſide at the ſame time.

Fare to belong to the boat that comes, unleſs, &c.

Penalty.

That no Sloop or other Veſſel, ſhall paſs through the Rope-Ferry in *New-London*, either up or down the River, from ſix o'Clock in the Afternoon to ſix o'Clock in the Morning, between the firſt of *October* and the firſt of *March*; nor from nine o'Clock in the Evening until five o'Clock in the Morning, between the firſt of *March* and the firſt of *October* (in any Year), without giving Notice to the Ferry-man one Hour at leaſt, before ſuch Veſſel ſhall attempt to paſs through ſaid Ferry. And every Maſter or Commander of any Veſſel, who ſhall be guilty of a Breach of this Act, ſhall for every ſuch Offence, pay a Fine of *Forty Shillings*; one Half to the Owner of ſaid Ferry, and the other Half to the Treaſury of the Town of *New-London*.

Reſtrictions on veſſels paſſing New-London Rope ferry.

## An Act for enjoining an Oath of Fidelity to this State.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Members of the General Aſſembly, and all Officers, Civil and Military, and Freemen of this State, ſhall take the Oath of Fidelity to this State preſcribed by Law.

All officers, &c. to take the oath.

*And be it further enacted by the Authority aforeſaid*, That no Perſon ſhall execute any Office, Civil or Military, nor vote in any Town, Society, or other public Meeting appointed by Law, nor plead in any Court (except in his own Caſe) nor any Male Perſon act as Executor or Adminiſtrator, or Guardian to any Minor, until he ſhall have taken the Oath aforeſaid.

Not taking the oath, a diſqualification, &c.

And it ſhall be the Duty of the Authority adminiſtering ſaid Oath, to give a Certificate thereof, if requeſted.

Certificate to be given.

## An Act concerning the Payment and Diſpoſion of Fines, Fees, and Penalties.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Perſon that ſhall at any Time be fined for the Breach of any penal Law, or for other juſt Cauſe, ſhall forthwith pay the Fine or Penalty impoſed upon him, or give in good and ſufficient Security ſpeedily to do the ſame; or ſhall be impriſoned, or bound out, and kept in Service or Labour till it be paid.

Fines, &c. to be paid down, &c.

And

Warrants to iſſue in one year.

And the Warrants or Diſtreſſes for levying of all Fines and Penalties, ſhall be ſent out within one Year after the Conviction of the Delinquent.

Fees, Fines, &c. in the ſup. court, belong to the ſtate treaſury.

That all Fees paid for Trial of any Matter or Cauſe in the General Court, and in the Superior Court, (the Secretary's and Clerk's Fees excepted) and all Fines, Forfeitures, and Penalties impoſed on any Perſon or Perſons by either of the ſaid Courts, for any Matter of Delinquency, ſhall be, and belong to the State Treaſury, for the defraying the public Charges of the State.

In the county court, to the county treaſury.

And all Fees paid for the Trial of any Matter or Cauſe in the reſpective County Courts in this State, (the Clerk's Fees excepted) and all Forfeitures, Fines, and Penalties impoſed on any Perſon or Perſons for any Matter of Delinquency by any of the ſaid County Courts, ſhall be, and belong to the Treaſuries of the ſaid ſeveral County Courts, to defray the Charges of the County Courts, and other County Charge.

Before juſtices court, to the town treaſury.

And all ſuch Fines, Forfeitures, and Penalties as ſhall by the Judgment of any Aſſiſtant, or Juſtice of the Peace, be impoſed on any Perſon or Perſons for any Matter of Delinquency, ſhall be and belong to the Treaſury of the Town where ſuch Judgment is given.

Unleſs otherwiſe ſpecially ordered.

*Always provided*, That where any ſuch Fines, Forfeitures, or Penalties are or ſhall be otherwiſe ordered by any expreſs Law of the State, they ſhall be diſpoſed of according to the Order of ſuch Law; any Thing before in this Act to the contrary notwithſtanding.

## An Act for encouraging and regulating Fiſheries.

Veſſels and men employed in whale-fiſhery, exempt from taxes, &c.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Veſſels owned in this State, and employed in either the Whale or Cod Fiſheries, for the Term of four Months in a Year, ſhall be exempted from being ſet in the public Liſt, and freed from Taxes in each Year wherein they ſhall be ſo employed in either of ſaid Fiſheries: And all Inhabitants of this State, who ſhall be employed four Months in a Year, on Board any Veſſels in ſaid Fiſheries, and owned in this State, ſhall be exempted from having their Heads ſet in the Liſt in each Year wherein they ſhall be ſo employed in ſaid Buſineſs; and ſhall alſo be exempted from working at High-ways, during each Year in which they ſhall be ſo employed.

Towns enabled to regulate clams and oyſters.

*And be it further enacted by the Authority aforeſaid*, That any Town in this State ſhall have Authority, in Town Meeting, to make Rules and Ordinances for regulating the Fiſheries of Clams and Oyſters, within their reſpective Limits, or the Waters and Flats to them adjoining and belonging, and for Preſervation of the ſame; and to impoſe ſuch Penalties as ſhall be thought proper by ſuch Towns, for the Breach of ſuch Rules and Ordinances. *Provided*, That no ſuch Penalty ſhall exceed the Sum of *Five Pounds*, lawful Money.

No obſtructions to be ſet in rivers, &c.

*And be it further enacted by the Authority aforeſaid*, That no Wares, Hedges, Fiſh-Garths or other Obſtructions or Incumbrances, ſhall be ſet, erected or made, on or a-croſs *Quinabaug*-River, *Shetucket*-River, *Windſor*-Ferry-River, *Ouſatannick*-River, *Selden*'s-Cove or the Eight-Mile-River in *Lyme*, nor on or a-croſs any of the Streams that empty themſelves into any of the ſaid Rivers; or on or a-croſs *Sumner*'s-Creek in *Middletown*, to the ſtopping or obſtructing the natural or uſual Courſe and Paſſage of Fiſh in their Seaſons, in or up any of the ſaid Rivers, Streams, Coves or Creeks; and whoever ſhall be guilty of making or erecting any ſuch Obſtruction in any of the Rivers, Streams, Creeks or Coves aforeſaid, whereby the natural

natural and uſual Paſſage of the Fiſh in the Spring, or proper Seaſons of the Year, is diſturbed or prevented; on Conviction thereof before the County Court, ſhall pay a Fine of *Ten Pounds*, to any Perſon who ſhall ſue for, and proſecute the ſame to Effect; and the ſaid Court may order ſuch Obſtruction to be removed at the Coſt of the Perſon or Perſons who erected the ſame. And the ſame ſhall be deemed a common Nuſance, and any Perſon may remove the ſame as ſuch.

*Provided*, That no Perſon ſhall remove any Mill-Dam, until the ſame hath been adjudged to be a Nuſance, and ordered to be removed by the Superior or County Court. Proviſo.

That no Perſon ſhall keep up any Dam or Dams on *Paucatuck*-River, within this State, without leaving an open free Paſſage for the Fiſh through each Dam, at leaſt fifteen Feet wide, from the Bottom, and keep the ſame open during the Months of *March*, *April* and *May*, in each Year: Nor ſhall any Perſon in the aforeſaid Months, erect or keep up any Ware in ſaid River, on Penalty of forfeiting *Five Pounds*, to any Perſon who ſhall ſue for and recover the ſame. Open paſſages to be left in dams on Paucatuck-river, &c.

And the Inhabitants of the Town of *Stonington*, are hereby authorized to chooſe three Freeholders at their annual Town-Meetings, who ſhall have Liberty to inſpect the Dams or Wares that are or ſhall be erected or made a-croſs ſaid *Paucatuck*-River, and ſhall have Power to open ſaid Dams or Wares fifteen Feet wide, during ſaid three Months, in each Year; any Thing before in this Act to the contrary notwithſtanding. Freeholders appointed to inſpect, &c.

*And whereas the continual Interruption of the Courſe and Paſſage of the Fiſh up the Rivers, by the daily drawing of Seins and other Fiſh-Craft, tends to prevent their Increaſe, and occaſions a great Miſpence of Time, and alſo prevents the People who live near the different Parts of ſuch Rivers from ſharing the Benefits of the Fiſheries, ſo equally as they might otherwiſe do;—To the Injury of the Public.*

*Be it further enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall draw any Sein or other Fiſh-Craft, in any of the Rivers before mentioned in this Act, except between the ſetting of the Sun on Monday Evening, and the Sun's riſing on Saturday Morning, in each Week in the Months of *April*, *May* and *June*, annually, on Penalty of forfeiting *Ten Pounds* for the Uſe of him who ſhall ſue for, and proſecute the ſame to Effect. No ſeins, &c. to be drawn, except, &c.

That where any Perſon or Perſons have been at the Expence of clearing any Fiſhing-Place or Places in *Ouſatunnick*-River, between the Mouth thereof and *Leavenworth*'s-Ferry, and have conſtantly uſed the ſame for taking Fiſh in the Seaſons thereof; he or they ſhall be eſtabliſhed in the full, free and peaceable Enjoyment thereof, ſo long as they continue conſtantly to uſe the ſame, in the Seaſons, and for the Purpoſes aforeſaid, and not be liable to any Action for Damage, below high-water Mark. Perſons clearing fiſhing places, &c to be eſtabliſhed therein, &c.

That no Perſon ſhall uſe any Buſh-Sein in ſaid *Ouſatunnick*-River, or in any way obſtruct, incumber, or impede the drawing of Seins or taking of Fiſh in any of the Fiſhing-Places cleared as aforeſaid, either by felling Trees, or ſinking Logs, or other Incumbrances therein, or in any other Manner whatſoever, on Penalty of *Twenty Pounds* for every ſuch Offence; one Half to the Perſon who ſhall ſue for, and proſecute the ſame to Effect, and the other Half to the Treaſury of the County where the Conviction is had. Not to obſtruct, &c.

*And whereas the obſtructing of the Paſſage of the Fiſh into* Connecticut-*River, is a public Damage:*

*Be it enacted by the Authority aforeſaid*, That no Perſon ſhall ſet or draw any Sein for the Purpoſe of catching Fiſh, between the fifteenth Day of *March*, and the fifteenth Day of *June*, in any Year, South of an Eaſt and Weſt Line from *Say-Brook* Fort, ſo called, within one Mile and an Half Eaſt and Weſt, on each Side of the Mouth of ſaid River, except in the Set times for fiſhing, &c.

Coves

Coves called and known by the Name of *Lynde*'s-Cove, and *Griſwold*'s-Cove, and except the Proprietors of the Lands on each Side of ſaid River, known by the Name of Eaſtern-Point, and *Lynde*'s-Point, who ſhall have excluſive Right to draw or uſe two Seins, at Diſcretion, within the aforeſaid Limits, in the Waters adjoining their own Lands, from Monday Morning at Sun-riſe until Sun-ſet on Friday Evening, in each Week, and no more; and neither of ſaid Seins ſhall be of greater Length than Twenty-five Rods. And every Perſon that ſhall be convicted of any Breach of this Paragraph of this Act, ſhall pay a Fine of *Ten Pounds*; one Half to the Proſecutor, and the other Half to the Treaſury of the County; and ſhall alſo forfeit the Sein, Ropes, and other Utenſils uſed for catching Fiſh contrary to this Act.

Except, &c.

That whoever ſhall firſt make a Ware for catching Fiſh on any Flats, of or within any River, Cove, Creek or Harbour within this State, ſhall not be interrupted by any other's ſetting or making a Ware on the ſame Flat; or in the Way or Courſe of the Fiſh coming or paſſing to the ſaid Ware firſt built, nearer than three-quarters of a Mile, without Liberty from the County Court; and the Ware ſo ſet up contrary to this Act, ſhall be a common Nuſance, and any Perſon may remove the ſame as ſuch.

Perſons firſt making wares on flats not to be interrupted, &c.

That no Perſon ſhall ſet or draw any Sein, or otherwiſe obſtruct the Courſe of the Fiſh, into or up *Selden*'s-Creek in *Lyme*, within forty Rods Eaſtward of the Mouth of ſaid Creek, on the Great River, or within ſixty Rods within ſaid Creek, or at any Place below the Homock, on Penalty of forfeiting *Ten Pounds* to the Proſecutor. *Provided nevertheleſs*, That the Proprietors of the Homock may at all Seaſons fiſh at that Place; and the Proprietors of Land adjoining ſaid Creek below the Homock, not within ſixty Rods of the Mouth of the Creek, may fiſh on their own Lands upon the Tide of Ebb only, after the eighteenth Day of *May* annually.

Selden's fiſhery, &c.

And it ſhall be the Duty of the Informing Officers to enquire, and preſent to lawful Authority, all Breaches of this Act; and in that Caſe the Penalties ſhall belong to the Treaſury of the County where the Conviction is had.

Informing officers to preſent, &c.

## An Act directing Proceedings againſt forceable Entry and Detainer.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That upon Complaint made to any one or more Aſſiſtants or Juſtices of the Peace, of any forceable Entry made into any Houſe, Lands, Tenements, or other Poſſeſſions lying within the County where ſuch Aſſiſtant or Aſſiſtants, Juſtice or Juſtices dwell or reſide; or of any wrongful Detainer of any ſuch Houſe, Lands, Tenements, or other Poſſeſſions by Force and ſtrong Hand: That is to ſay, by, or with ſuch violent Words or Actions as have a natural Tendency to affright and terrify: Every ſuch Aſſiſtant or Aſſiſtants, Juſtice or Juſtices within convenient Time, at the Coſt of the Party grieved, ſhall go to the Place where the ſaid Force is; taking with him or them the Sheriff of the County, or his Deputy, and other ſufficient Power of the Town, or County, (if need be) to aid and aſſiſt ſaid Authority: And all the People of the County, as well the Sheriff as others ſhall be attending to ſaid Aſſiſtant or Aſſiſtants, Juſtice or Juſtices to aſſiſt him or them to arreſt ſuch Offenders, when thereunto called, upon Pain of Impriſonment, and of paying a Fine of *Twenty Shillings*, to the Treaſury of the County.

On complaint made to an aſſiſtant, &c. of forceable entry, &c.

And that two Aſſiſtants or two Juſtices, *Quorum Unus*; or one Aſſiſtant and one Juſtice, ſhall have Authority to enquire, by the Oaths of the People of the ſame County, as well of them that make ſuch forceable Entry into Houſes, Lands, Tenements or other Poſſeſſions; as of them who hold and detain the ſame by Force and ſtrong Hand. And

Complaint being made to two juſtices, &c.

And if it be found on ſuch Enquiry, that a forceable Entry hath been made into Houſes, Lands, Tenements or other Poſſeſſions; or that the ſame are held with Force, then ſuch Aſſiſtants or Juſtices ſhall cauſe the ſame Houſe, Lands, Tenements, or Poſſeſſions to be re-ſeized, and the Party to be again put into the Poſſeſſion thereof, who in ſuch Manner was put, or held out of the ſame.

Lands, &c. to be re-ſeiſed.

And in ſuch Caſes where the Nature of the Facts are cognizable before ſuch Authority, the ſaid Authority ſhall alſo tax Bills of Coſt againſt ſuch Perſons as before them ſhall be convicted of forceable Entry or Detainer.

Bills of coſt.

And in Caſe the Perſon complained of is found not guilty, ſhall tax Coſt againſt the Complainant, and grant Execution thereon accordingly.

Perſons not guilty.

*And to the End that Enquiry may be made as aforeſaid,*

*Be it further enacted by the Authority aforeſaid,* That ſuch Aſſiſtants or Juſtices ſhall make out their Warrants or Precepts directed to the Sheriff of the ſame County, or his Deputy, commanding him on Behalf of the State, to cauſe to come before them eighteen ſufficient and indifferent Perſons, dwelling near unto the Houſe, Lands, Tenements or other Poſſeſſions ſo entered upon, or held as aforeſaid; whereof fourteen (at leaſt) ſhall be impannelled to enquire in that Behalf; each of whom ſhall have a freehold Eſtate rated in the common Liſt at *Fifty Shillings* at the leaſt, who ſhall be ſworn by ſuch Aſſiſtants or Juſtices, well and truly to enquire of ſuch forceable Entry, or forceable Detainer; and to return a true Verdict according to their Evidence.

18 perſons to be ſummoned to make enquiry, &c.

And if the Sheriff ſhall make Default in not duly executing ſuch Warrant or Precept to him directed, he ſhall be fined or amerced the Sum of *Five Pounds* for every Default.

Sheriff to be fin'd 5l. on his default.

And every Juror legally ſummoned making his Default by Non-appearance, ſhall pay a Fine of *Ten Shillings*.

And jurors 10s. on theirs.

That when it ſhall ſo happen that the Sheriff is either a Party, or ſtands in the Relation of Father or Son, by Nature or Marriage, or of a Brother in the like Kind; Uncle or Nephew; Landlord or Tenant to either of the Parties; either of the Conſtables of the Town where the Facts are ſaid to be done, not being intereſted or related as aforeſaid, ſhall have in thoſe Caſes all the Powers and Authorities that the Sheriffs in this Act above are veſted with; and ſhall be under the ſame Regulations, and in Caſe of Default under the ſame Penalties.

Sheriff being a party or a relative, a conſtable to have his power.

And that any Aſſiſtant or Aſſiſtants, Juſtice or Juſtices holding ſuch Court of Enquiry, may impoſe a Fine on every Offender committing ſuch Force, not exceeding the Sum of *Twenty Shillings*; and bind him or them to the good Behaviour, and commit ſuch Offender or Offenders to Priſon till he or they pay ſuch Fine, and find Securities for his or their good Behaviour till the next County Court in that County, and then to appear: And if the Offence be aggravated by any open or high-handed Breach of Peace or otherwiſe, they may bind the Offenders over to appear at the next County Court in the ſame County, to anſwer for the ſame, who may increaſe the Fine according to the Aggravation or Circumſtances of the Offence.

Aſſiſtants or juſtices to impoſe a fine of 20s. bind to good behavior, or impriſon offenders.

All Fines ariſing by Virtue of this Act, to be to, and for the Uſe of the County Treaſury.

All ſaid fines to the county treaſury.

And the Party grieved ſhall recover treble Damages, and Coſts of Suit, by Action of Treſpaſs againſt the Defendant or Defendants, if it be found by Verdict, or in any other Manner by due Form of Law, that he or they entered into his Houſe, Lands, Tenements or other Poſſeſſions by Force, or after Entry held the ſame by Force.

Party grieved to recover treble damages.

*Provided always,* That this Act ſhall not extend to any Perſon or Perſons who have had the Occupation, or have been in the quiet Poſſeſſion of any Houſes, Lands, Tenements or other Poſſeſſions for the Space of three

Proviſo.

whole Years together next before; and his, her or their Eſtate or Eſtates therein is not ended or determined; any Thing to the contrary before in this Act in any Wiſe notwithſtanding.

## An Act to prevent Foreigners carrying on inſidious Deſigns or Practices in this State.

Foreigners found ſtragling about, and endeavouring to corrupt, &c.

or ſhips, &c. ſpying out our coaſts, &c.

how to be proceeded againſt.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That if any Foreigner ſhall be found travelling or ſtragling about in this State, endeavouring to corrupt the Indians or others, with falſe, dangerous and ſeditious Principles; or to ſearch or ſpy out the Country; or if they are ſuſpected to be carrying on any ſuch evil Deſigns. And if any foreign Ships or Veſſels ſhall come to ſpy out our Coaſts, or in ſome clandeſtine Manner to carry on illicit Trade; or ſhall appear under ſuch Circumſtances as to be juſtly ſuſpected thereof; ſuch Foreigners carrying on, or ſuſpected to be carrying on any ſuch Practices; and the Captains, Maſters, Officers or Seamen belonging to ſuch foreign Ship or Veſſel, may be apprehended by Order or Warrant from any Aſſiſtant or Juſtice of the Peace; or if the Neceſſity of the Caſe require it, by any Sheriff or Conſtable without a Warrant, and brought before an Aſſiſtant and two Juſtices of the Peace, *Quorum unus*; and in Caſe no Aſſiſtant or Juſtice of the Quorum ſhall live within ten Miles of the Place where ſuch ſuſpected Perſon or Perſons ſhall be arreſted, then he or they may be brought before any three Juſtices of that County, who are hereby impowered and directed to examine him or them concerning the Matters aforeſaid; and upon his or their appearing to be guilty of any of the Crimes aforeſaid, or juſtly ſuſpected to be a dangerous Perſon or Perſons, ſuch Authority are hereby authorized to take ſuch Methods, and give ſuch Orders concerning ſuch Perſon or Perſons, as effectually to prevent the Dangers and Miſchiefs that might otherwiſe ariſe from ſuch Foreigners and ſuſpected Perſons, and ſecure the Intereſt of this State.

And if difficulties ariſe upon enquiry to be referred to the governor, &c.

And if upon ſuch Enquiry, the ſaid Authority ſhall find the Matters to be attended with great Difficulties, and judge it neceſſary, they ſhall tranſmit the Caſe with the Examination and Evidences relating thereto, to the Governor or Commander in Chief, whoſe Orders and Directions therein they ſhall obſerve for the Purpoſes aforeſaid.

Foreigners like to become chargeable, may be tranſported, &c. when, &c.

And any Foreigner reſiding in this State, who may be likely to become chargeable to the State, or who is of an immoral and vicious Character, may by Order of the County Court, or an Aſſiſtant and Juſtice of the Peace, or two Juſtices *Quorum unus*, be tranſported to the Place of his legal Settlement, or to ſome Place within the Juriſdiction of the State or Nation to which he belongs, whenever ſuch Authority ſhall judge it expedient, and that the Expence will not exceed the Advantages of ſuch Tranſportation; which Expence ſhall be paid out of the State Treaſury, if the Perſon to be tranſported is unable to pay the ſame.

## An Act for ſecuring to Foreigners in this State, their Rights, according to the Laws of Nations, and to prevent any Infractions of ſaid Laws.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Superior Court and the ſeveral County Courts in this State (within their reſpective Limits) be, and they are hereby impowered and directed to proceed againſt

and

and puniſh all ſuch Perſons as ſhall be guilty of the Violation of any Safe-Conduct or Paſſport granted under the Authority of the Congreſs of the United States of *America*, or under the Authority of this State, to the Subjects of any foreign Power in Time of War.

Violaters of ſafe-guard, &c. to be puniſhed.

And alſo againſt all ſuch Perſons as ſhall be guilty of the Commiſſion of any Acts of Hoſtility againſt the Subjects of any Prince or Power in Amity, League, or Truce with the United States of *America*, or ſuch as are within this State under a general implied Safe-Conduct.

Acts of hoſtility, &c.

And alſo againſt all ſuch as ſhall be guilty of any Violation or Infraction of the Immunities of Ambaſſadors, or other public Miniſters, authorized and received as ſuch by the United States in Congreſs aſſembled, or of any Violence offered to the Perſons of ſuch Ambaſſadors or Miniſters, their Houſes, Carriages or Property, under the Limitation allowed by the Laws and Uſages of Nations, or that ſhall any Ways moleſt or diſturb them in the free Exerciſe of their Religion.

Ambaſſadors, &c.

*And be it further enacted by the Authority aforeſaid*, That no Writ or Proceſs ſhall at any Time iſſue, or be maintained againſt any ſuch Ambaſſador or public Miniſter, authorized and received as aforeſaid, or againſt his Goods or Chattels, or againſt his domeſtic Servant, whereby his Perſon may be arreſted, in any Civil Action.

No writ, &c. maintainable againſt Ambaſſadors, &c.

*And be it further enacted by the Authority aforeſaid*, That the ſaid Courts reſpectively be, and they are hereby authorized and impowered to hear, try and determine, by a Jury or otherwiſe (according to Law) any of the Matters aforeſaid, or any other Infractions or Violations of, or Offences againſt the known, received and eſtabliſhed Laws of civilized Nations, agreeable to the Laws of this State, or the Laws of Nations.

Courts impowered to try, &c.

*And be it further enacted by the Authority aforeſaid*, That if any Injury ſhall be offered and done by any Perſon or Perſons whatſoever, to any foreign Power, or to the Subjects thereof, either in their Perſons or Property, by Means whereof any Damage ſhall or may in any Wiſe ariſe, happen or accrue, either to any ſuch foreign Power, to the ſaid United States, to this State, or to any particular Perſon; the Perſon or Perſons offering or doing any ſuch Injury, ſhall be liable to pay and anſwer all ſuch Damages as ſhall be occaſioned thereby.

Injury againſt foreign powers, &c. to be redreſſed.

## An Act to prevent Foreigners or Aliens purchaſing, or holding Lands in this State.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Perſon who is not a Citizen or Inhabitant of this State, or one of the United States of *America*, ſhall be capable of purchaſing or holding any Lands within this State, without ſpecial Licence from the General Aſſembly.

No alien may purchaſe lands, &c. without ſpecial licence.

*Provided*, That nothing in this Act ſhall be conſtrued to work a Forfeiture of any Lands belonging to any Subject of the King of *Great-Britain* before the late War, or to prevent the Proprietor of ſuch Lands from ſelling and diſpoſing of the ſame to any Inhabitant of any of the United States: Nor to hinder the Subjects of the King of *France* from enjoying the Privileges and Benefits to which they are entitled by Virtue of the Treaty of Amity, made and ratified by and between His Moſt Chriſtian Majeſty, and the United States of *America*.

Proviſo.

## An Act againſt Forgery.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall willingly and falſely forge and make, or cauſe to be forged or made, or ſhall aid, abet, help or aſſiſt in the falſely forging and making any falſe Deed, Conveyance, Will, Teſtament, Bond, Bill, Receipt, Releaſe, Acquittance, Letter of Attorney, or any other Writing to prevent Equity and Juſtice; ſuch Perſon or Perſons being thereof duly convicted, ſhall ſtand in the Pillory three ſeveral Lecture Days, or other Days of public Meeting; and render and pay to the Party or Parties injured thereby, double Damages, to be recovered by Action founded on this Statute; and ſhall alſo be rendered incapable, and be diſenabled to give any Evidence or Verdict in any Court, or before any Magiſtrate or Juſtice of the Peace.

Forgery how puniſhed.

## An Act preſcribing Forms of Writs, Proceſſes, &c.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the ſeveral Forms of Writs, Proceſſes, &c. in Civil Cauſes, here under-written, be, and they are hereby eſtabliſhed to be the Forms to be uſed in this State, by the reſpective Officers therein, That is to ſay;

Forms of writs eſtabliſhed.

Summons for Appearance before an Aſſiſtant or Juſtice of Peace.

To the Sheriff of the County of H. his Deputy, or either of the Conſtables of the Town of G. within ſaid County, Greeting.

Summons before an aſſiſtant or juſtice.

BY Authority of the State of Connecticut, you are hereby commanded to ſummon A. B. of G. aforeſaid, to appear before me J. H. Eſq; Juſtice of the Peace for the County aforeſaid, at my Dwelling-Houſe in H. on the Day of at of the Clock in the noon; then and there to anſwer to C. D. of W. in a Plea of which is to the Damage of the ſaid C. D. Shillings, and he therefore brings this Suit. And of this Writ, with your Doings therein, make true Return to me, at or before the ſaid Day of Dated at H. the Day of Annoque Domini,

J. H.

Attachment before an Aſſiſtant or Juſtice of Peace.

To the Sheriff, &c.

BY Authority of the State of Connecticut, you are hereby commanded to attach the Goods or Eſtate of A. B. of F. aforeſaid, to the Value of Pounds, and for Want thereof to attach the Body of the ſaid A. B. (if he may be found in your Precincts) and him ſafely keep, ſo that he may be had before me J. H. Eſq; Juſtice of the Peace for the County aforeſaid, at my Dwelling-Houſe, &c. (ſufficient Bond for Proſecution being given). Hereof fail nor, and make due Return of this Writ, with your Doings therein, &c.

Attachment before an aſſiſtant or juſtice.

The like for Summons and Attachments to the County Courts, *Mutatis Mutandis.*

An Execution granted by an Aſſiſtant or Juſtice of Peace.

To the Sheriff of the County of H. &c. Greeting.

Execution granted by aſſiſtant or juſtice.

*WHEREAS C. D. of W. on the Day of before me J. H. Eſq; Juſtice of the Peace for the County aforeſaid, recovered Judgment againſt A. B. of H. for the Sum of Shillings, Debt, (Damages) and for the Sum of Shillings, Coſts of Suit, as appears of Record: Whereof Execution remains to be done.*

THESE are therefore by Authority of the State of Connecticut, to command you, That of the Money of the ſaid A. B. or of his Goods or Chattels

Chattels within your Precincts, you cauſe to be levied, and (the ſame being diſpoſed of as the Law directs) paid and ſatisfied unto the ſaid C. D. the aforeſaid Sums, being Pounds, Shillings, and Pence, in the Whole; and alſo that out of the ſaid Monies, Goods or Chattels you levy One Shilling more for this Writ, together with your own Fees.

And for Want of ſuch Money, Goods or Chattels of the ſaid A. B. to be by him ſhewn unto you, or found within your Precincts, for ſatisfying the aforeſaid Sums you are hereby commanded to take the Body of the ſaid A. B. and him commit unto the Keeper of the Gaol in H. in the County aforeſaid, within the ſaid Priſon; who is likewiſe hereby commanded to receive the ſaid A. B. and him ſafely keep, until he pay unto the ſaid C. D. the full Sums above-mentioned, and be by him releaſed, and alſo ſatisfy your Fees. Hereof fail not, and make due Return of this Writ, with your Doings therein, unto me the ſaid J. H. Eſq; within ſixty Days next coming.

Dated at H. this Day of, &c. J. H.

Execution out of the Superior Court and County Courts, reſpectively.

To the Sheriff of the County of H. &c. Greeting.

*WHEREAS C. D. of W. recovered Judgment againſt A. B. of F. before the Court, holden at H. within the County aforeſaid, on the Tueſday of for the Sum of Pounds, Debt, (Damage) and Pounds Shillings Pence Coſts of Suit, as appears of Record: Whereof Execution remains to be done.*

Execution from ſuperior or county court.

THESE are therefore, by Authority of the State of Connecticut, to command you, That of the Goods, Chattels or Lands of the ſaid A. B. within your Precincts, you cauſe to be levied (and the ſame being diſpoſed of, or appraiſed as the Law directs) paid and ſatisfied unto the ſaid C. D. the aforeſaid Sums being Pounds Shillings and Pence in the Whole; with Shillings more for this Writ, and thereof alſo to ſatisfy yourſelf for your own Fees. And for Want of ſuch Goods, Chattels or Lands of the ſaid A. B. to be by him ſhewn unto you, or found within your Precincts, to the Acceptance of the ſaid C. D. for ſatisfying the aforeſaid Sums, you are hereby commanded to take the Body of the ſaid A. B. and him commit unto the Keeper of the Gaol in H. in the County aforeſaid, within the ſaid Priſon; who is likewiſe hereby commanded to receive the ſaid A. B. and him ſafely to keep until he pay unto the ſaid C. D. the full Sums above-mentioned, and be by him releaſed, and alſo ſatisfy your Fees. Hereof fail not, and make due Return of this Writ, with your Doings therein, unto the ſaid Court to be holden at upon the Tueſday of next. Dated at H. &c. E. K. Clerk.

Summons or Sub-pœna for Witneſſes.

To A. B. and C. D. &c.

BY Authority of the State of Connecticut, you are hereby commanded to appear before the Court to be holden at F. on the Tueſday of to teſtify what you know in a certain Action now depending in the ſaid Court, between E. F. of H. Plaintiff, and G. H. of M. Defendant in an Action of Hereof fail not, under the Penalty of the Law in that Caſe provided. Dated at H. &c.

Summons for witneſſes.

D. E. Clerk.

A Warrant of Replevin before the County Court.

To the Sheriff of F. &c. Greeting.

BY Authority of the State of Connecticut, you are hereby commanded, juſtly, and without Delay, to cauſe to be replevied to T. C. of S. his Beaſts, viz. now deſtrained or impounded by S. H. of N. and by him juſtly detained, as it is ſaid and you are to ſummon the ſaid

Replevin.

Said S. H. to appear before the next County Court to be holden at F. in and for the ſaid County, on the *Tueſday* of next; then and there to anſwer unto the ſaid T. C. in a Plea of Treſpaſs, wherein the ſaid T. C. complains, that the ſaid S. H. the Day of, &c. at M. in a certain Place called &c. took the ſaid Beaſts, That is to ſay, and them unjuſtly impounded and detained as aforeſaid, until this Time; which is to the Damage of the ſaid T. C. as he ſaith, the Sum of Pounds, and therefore he brings this Suit, &c. (the ſaid T. C. having given ſufficient Bond to proſecute this Action to Effect, and ſatisfy ſuch Damages, Demands and Dues as the adverſe Party ſhall recover againſt him.) Hereof fail not, and make true Return of this Writ, with your Doings therein, *&c.* Dated, *&c.*

J. H. Juſtice of Peace.

The like for a Writ of Replevin before an Aſſiſtant or Juſtice, *Mutatis Mutandis.*

Bond for Proſecution.

Bond for proſecution.

YOU C. S. and E. C. of H. acknowledge yourſelves jointly and ſeverally bound to J. L. of in a Recognizance of Pounds, That T. R. of W. ſhall proſecute the Attachment or Replevin he hath now taken out againſt the ſaid J. L. at the next County Court to be holden at H. on the Tueſday of next, to full Effect; and anſwer all Coſt and Damages in Caſe he make not his Plea good. Taken and acknowledged in H. the Day of, *&c.* Before me,

J. W. Juſtice of Peace.

A Warrant for collecting Rates.

To A. B. Collector of the Town Rate of the Town of, *&c.* Greeting.

Warrant for collecting town rates.

BY Authority of the State of *Connecticut*, you are hereby commanded forthwith to levy and collect of the Perſons named in the annexed Liſt, herewith committed to you, each one his ſeveral Proportion, as therein ſet down, of the Sum total of ſuch Liſt; being a Tax or Aſſeſſment granted and agreed upon by the Inhabitants of the ſaid Town of, *&c.* regularly aſſembled on the Day of for defraying of the neceſſary Charges ariſing within the ſame; and to deliver and pay the Sum and Sums which you ſhall ſo levy and collect, unto the Treaſurer of the ſaid Town, (or to C. D. being by ſaid Town appointed to receive the ſame) at or before the Day of And if any Perſon or Perſons ſhall neglect or refuſe to make Payment of the Sum or Sums whereat he or they are reſpectively aſſeſſed, and ſet in the ſaid Liſt, to diſtrain the Goods or Chattels of ſuch Perſon or Perſons, and the ſame diſpoſe of as the Law directs; returning the Overplus (if any be) unto the Owner or Owners. And for Want of Goods and Chattels, whereon to make Diſtreſs, you are to take the Body or Bodies of the Perſon or Perſons ſo refuſing, and him or them commit unto the Keeper of the Gaol of the ſaid County, within the ſaid Priſon; who is hereby commanded to receive and ſafely keep him or them, until he or they pay and ſatisfy the ſaid Sum or Sums aſſeſſed upon him or them as aforeſaid, together with your Fees; unleſs the ſaid Aſſeſſment, or any Part thereof, upon Application made to the County Court, ſhall be abated.

Dated at G. *&c.*

Proviſo.

*Always provided, and it is further enacted,* That it ſhall be lawful for any Perſon or Perſons within this State, as often as Occaſion ſhall require, to make Uſe of other and diverſe Forms than what are before in this Act preſcribed, ſo that the Subſtance of the Matter or Action be well contained therein, according to Law.

## An Act for the Puniſhment of Fornication.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That if any Man ſhall commit Fornication with any ſingle Woman, upon due Conviction thereof, each of them ſhall pay a Fine of *Thirty-Three Shillings* to the Treaſury of the County in which ſuch Conviction is; or be corporally puniſhed by whipping, not exceeding *Ten Stripes* each; at the Diſcretion of the County Court who ſhall have Cognizance of ſaid Offence.

Fine 33s.

## An Act for Prevention of Frauds and Perjuries.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Suit in Law or Equity ſhall be brought or maintained upon any Contract or Agreement that ſhall be made after the firſt Day of *December*, One Thouſand Seven Hundred and Seventy-One, whereby to charge any Executor or Adminiſtrator, upon any ſpecial Promiſe, to anſwer Damages out of his own Eſtate; or whereby to charge the Defendant upon any ſpecial Promiſe to anſwer for the Debt, Default, or Miſcarriages of another Perſon; or to charge any Perſon upon any Agreement made upon Conſideration of Marriage; or upon any Contract, or Sale of Lands, Tenements, or Hereditaments, or any Intereſt in or concerning them; or upon any Agreement that is not to be performed within the Space of one Year from the making thereof; unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum or Note thereof ſhall be made in Writing, and ſigned by the Party to be charged therewith, or ſome other Perſon thereunto by him lawfully authorized.

No ſuit in law or equity to be brought upon any contract that ſhall be made after the firſt day of Dec. 1771, to charge any executor, &c. upon any ſpecial promiſe.

*And be it further enacted by the Authority aforeſaid,* That no Suit in Law or Equity ſhall be brought or maintained upon any Contract or Agreement that ſhall hereafter be made, and not reduced to writing as aforeſaid, but within three Years next after entering into, or making the ſame, or on any ſuch Contract or Agreement heretofore made, but within three Years next after a Right of Action thereon ſhall accrue; or if ſuch Right of Action hath already accrued, ſuch Suit ſhall not be brought, but within three Years next after the firſt Day of *June*, One Thouſand Seven Hundred and Seventy-One.

No ſuit, &c. to be brought upon any contract, unleſs within three years, &c.

*Provided,* That nothing in this Act contained ſhall extend to any Action of Book Debt.

Proviſo.

## An Act againſt Fraudulent Conveyances.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all fraudulent and deceitful Conveyances of Lands, Tenements, Hereditaments, Goods or Chattels; and all ſuch Bonds, Suits, Judgments, Executions or Contracts, made to void any Debt or Duty of others, ſhall (as againſt the Party or Parties only, whoſe Debt or Duty is ſo endeavoured to be avoided, their Heirs, Executors or Aſſigns) be utterly void; any Pretence, or feigned Conſideration notwithſtanding.

Fraudulent conveyances, void.

And every of the Parties to ſuch a fraudulent Conveyance, Bond, Suit, Judgment, Execution or Contract, who being privy thereunto, that ſhall wittingly juſtify the ſame to be done, *bona Fide* and upon good Conſideration: Or ſhall alien and aſſign any Lands, Leaſe, Goods or Chattels ſo to them conveyed, as aforeſaid, ſhall forfeit one Year's Value of the Lands,

Penalty.

Leaſe,

Leaſe, Rents, Common, or other Profit out of the ſame; and the whole Value of the Goods and Chattels, and alſo ſo much Money as ſhall be contained in ſuch covenous Bond or Contracts; and being thereof convicted ſhall alſo ſuffer half a Year's Impriſonment without Bail: Which above Forfeitures ſhall be equally divided between the Party grieved, and the County Treaſurer; except the Purchaſer make it appear by two ſufficient Witneſſes, that the Contract or Bargain was made *bona Fide*, and on good Conſideration, before any Seiſure made by the Creditor or Officer of the Eſtate ſo conveyed; and that it was without any Deſign of Fraud to defeat the Creditor of his juſt Dues.

## An Act relating to Freemen.

Town clerks to enroll the names of freemen.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Town Clerks in the ſeveral Towns in this State, ſhall enroll in their reſpective Offices, the Names of all ſuch Perſons in their reſpective Towns, as are or ſhall be admitted Freemen of this State: Which Enrolments ſhall be made by the Direction of the Authority and Select-men of the Town, in the open Freemen's Meeting, legally aſſembled.

To be admitted in open meeting.

That no Perſon hereafter be admitted, and made free of this State, but in the open Freemen's Meeting of the Town whereto he belongs, regularly aſſembled.

Qualifications.

That all ſuch Inhabitants in this State, as have accompliſhed the Age of Twenty-one Years, and have the Poſſeſſion of Freehold Eſtate to the Value of *Forty Shillings per Annum*, or *Forty Pounds* perſonal Eſtate in the general Liſt of Eſtates in that Year wherein they deſire to be admitted Freemen; or are poſſeſſed of Eſtates as aforeſaid, and by Law excuſed from putting it into the Liſt; and alſo are Perſons of a quiet and peaceable Behaviour, and civil Converſation, may, if they deſire it, on their procuring the Select-men of the Town wherein ſuch Perſons inhabit, or the major Part of them, to certify that the ſaid Perſons are qualified as aboveſaid, be admitted and made free of this State; in Caſe they take the Oath of Fidelity to the State, and the Oath provided by Law for Freemen; which Oaths any one Aſſiſtant or Juſtice of the Peace is hereby impowered to adminiſter in ſaid Freemen's Meeting.

And all ſuch Perſons admitted and ſworn as aforeſaid, ſhall be Freemen of this State; and their Names ſhall be enrolled in the Roll of Freemen in the Town Clerk's Office of that Town wherein they are admitted, as aforeſaid.

Select-men to certify.

Penalty for giving a wrong certificate.

And that when any Select-man ſhall give Certificate concerning any Perſon or Perſons who are deſirous to be made Freemen, and ſhall certify that they are of peaceable and civil Converſation, and qualified according to this Act; if it ſhall after appear that ſuch Perſons are not qualified, as is certified by the Select-men, every Select-man that ſhall certify as aforeſaid, ſhall pay a Fine of *Three Pounds Six Shillings*, to the State Treaſurer.

Sup. court may diſfranchiſe.

And that if any Freeman of this State ſhall walk ſcandalouſly, or commit any ſcandalous Offence, it ſhall be in the Power of the Superior Court in this State, on Complaint thereof to them made, to diſfranchize ſuch Freeman; who ſhall ſtand diſfranchized, till by his good Behaviour the ſaid Superior Court ſhall ſee Cauſe to reſtore him to his Franchiſement or Freedom again: Which the ſaid Court is impowered to do.

## An Act againſt Gaming.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon or Perſons

Perſons in this State, of what Rank or Quality ſoever, ſhall play at Cards, Dice or Tables; every ſuch Perſon ſhall pay a Fine of *Twenty Shillings*, for every ſuch Offence he or they ſhall be convicted of.

20s. Penalty for playing cards, &c.

And the Head of every Family where any ſuch Game is uſed, with his or her Privity or Conſent, ſhall pay in like Manner the Sum of *Twenty Shillings* for each Time any ſuch Game is uſed in his or her Houſe.

20s. Fine on families where gambling is ſuffer'd

And whoſoever ſhall ſell any Playing-Cards in this State, or have any for Sale in his Poſſeſſion, or offer to ſell any; every ſuch Perſon ſhall pay a Fine of *Forty Shillings*, for every Pack of Cards by him ſold, offered to Sale, or found in his Poſſeſſion.

Penalty for ſelling cards.

And no Taverner, Inn-keeper, Ale-houſe-keeper or Victualler, ſhall have, or keep in or about their Houſes, or any of the Dependencies thereof, any Dice, Cards, Tables, Bowls, Shufle-board, Billiards, Coytes, Keils, Loggets or any other Implement uſed in Gaming; nor ſhall ſuffer any Perſon or Perſons reſorting unto any of their Houſes, to uſe or exerciſe any of the ſaid Games, or any other unlawful Game within their ſaid Houſes, or any of the Dependencies as aforeſaid, or Places to them belonging, on Pain of forfeiting the Sum of *Forty Shillings* for every ſuch Offence, upon the Conviction thereof.

Taverners not to keep implements for gaming, &c. on penalty of 40s.

And every Perſon who ſhall be convicted of playing Cards, Dice or Tables in any ſuch Houſe, or the Dependencies thereof, ſhall incur the ſame Penalty as is before in this Act provided for playing at ſaid Games; and for playing at any of the other Games aforeſaid, in any ſuch Houſe or Dependencies, ſhall pay a Fine of *Ten Shillings*; one half of the Fines that ſhall be recovered by Virtue of this Act, ſhall belong to any Perſon or Perſons who ſhall diſcover and give Information of the Offence; and the other half to the Treaſury of the Town where the Offence is committed. And it ſhall be the Duty of every Informing Officer, to enquire after, and preſent all Breaches of this Act that ſhall come to their Knowledge.

A fine of 10s. for gaming.

## An Act for regulating Gaols and Gaolers.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That there ſhall be kept and maintained, in good and ſufficient Condition and Repair, a common Gaol in every County Town, in the ſeveral Counties in this State.

A gaol to be kept in each county.

And in the County of *New-London*, two ſuch common Gaols, *to wit*, one in the Town of *New-London*, and the other in the Town of *Norwich*.

Two in New-London county.

The whole Charge of Building, (when there ſhall be Occaſion) and of keeping ſuch Gaols in Repair, ſhall be defrayed by the County to which the ſame belongs.

Charge how defrayed.

And that the Aſſiſtants and Juſtices of the Peace in the ſeveral Counties, ſhall have full Power; and they are hereby impowered, to tax the Inhabitants of their reſpective Counties, for building, repairing and furniſhing the ſaid Gaols, as Need ſhall require, and from Time to Time to order, direct and take Care of the Building, and keep in Repair the ſaid Gaols.

Aſſiſtants and juſtices to tax the county.

And the County Courts ſhall appoint a Collector in each Town within their reſpective Counties, to collect ſuch Taxes; which Collectors ſhall have the ſame Powers and Fees as other Collectors of Taxes in this State have. And in Caſe any Perſon ſo appointed a Collector, ſhall refuſe the ſame, ſuch Collector ſo refuſing, ſhall pay a Fine of *Forty Shillings*, to the Treaſurer of the County; unleſs excuſed by the County Court. And ſaid Court is hereby authorized to grant Execution to levy the ſame accordingly, and to appoint another Collector, as often as there may be Occaſion.

County court to appoint collectors, &c Penalty on collectors for refuſing to ſerve.

*And be it further enacted by the Authority aforeſaid*, That the reſpective County Treaſurers ſhall give out their Warrants to ſuch Collectors, to levy and collect ſuch Tax; and in Caſe ſuch Collectors ſhall refuſe or neglect to

County treaſ. to iſſue warrants, &c.

pay the ſame into the County Treaſury according to the Direction in ſuch Warrant, the County Treaſurer ſhall, by Warrant under his Hand directed to ſome proper Officer, make Diſtreſs on ſuch Collectors Perſons or Eſtates, for ſatisfying ſuch Sum or Sums as ſhall remain unpaid of the Sum or Sums that ſaid Collector was ordered, by Warrant to him directed, to levy and collect.

County to build, &c. a court-houſe, &c.

And whenever it ſhall be neceſſary to build a new Court-Houſe, or to repair any ſuch Houſe in any County in this State, the Expence thereof ſhall be defrayed by the Inhabitants of ſuch County; and the Taxes that may be neceſſary for that Purpoſe, ſhall be laid and collected in Manner aforeſaid.

Priſoners to bear their own charge, &c.

*And be it further enacted by the Authority aforeſaid*, That all and every Perſon and Perſons whatſoever, that ſhall be committed to the common Gaol within any County in this State, by lawful Authority, for any Offence or Miſdemeanor, having Means and Ability thereto, ſhall bear their own reaſonable Charge for conveying, or ſending them to the ſaid Gaol; and alſo the Charge of ſuch as ſhall be appointed to guard them thither; and alſo their Support while in Gaol, before they are diſcharged: And the Eſtate of ſuch Perſons ſhall be ſubjected to the Payment of ſuch Charge: And for Want of Eſtate, they may be diſpoſed of in Service, to anſwer the ſame, according to a Law, entitled, "*An Act concerning Delinquents*;" unleſs they ſhall be freed from the Payment of ſaid Charge, agreeable to the Direction of the Law aforeſaid.

Priſoners permitted to uſe their own neceſſaries, &c.

That all Priſoners ſhall be permitted to provide, and ſend for their neceſſary Food where they pleaſe; and to uſe ſuch Bedding, Linen, and other Neceſſaries, as they think fit, without their being purloined, detained, or their paying for the ſame: Neither ſhall any Keeper of a common Gaol, demand of them greater Fees for their Commitment, Diſcharge or Chamber-Room than what is allowed by Law.

Priſon-keepers not to injure their priſoners, &c.

And if any Keeper of a common Gaol ſhall do, or cauſe to be done to any Priſoner committed to his Cuſtody, any Wrong or Injury, contrary to the true Intent of this Act, he ſhall pay treble Damages to the Party grieved; alſo ſuch Fine as the County Court of the County wherein the Offence is committed, upon Information or Complaint to them made, ſhall (on conſidering all Circumſtances) think fit to impoſe upon him.

When allowed to take the poor priſoner's oath.

That when any Perſon or Perſons are committed to Priſon, in any civil Matter or Action, the Keeper of the Priſon ſhall not ſtand charged with his or their Supply of Victuals, and other Neceſſaries: And in Caſe the Priſoner hath no Eſtate, and will, and do take before an Aſſiſtant or Juſtice of the Peace, the following Oath, viz.

Form of the oath.

*YOU* A. B. *ſolemnly ſwear, that you have not any Eſtate, real or perſonal in Poſſeſſion, Reverſion, or Remainder, of the Value of* Five Pounds *in the Whole; or ſufficient to pay the Debt or Damages for which you are impriſoned; and that you have not directly or indirectly ſold, or otherwiſe diſpoſed of all, or any Part of your Eſtate, thereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof; or to defraud or deceive any of your Creditors.*

So help you GOD.

Proviſo.

*Provided always*, That ſaid Oath ſhall not be adminiſtered to any ſuch Debtor, until the Creditor or Creditors of ſuch Priſoner, if Inhabitants within this State, otherwiſe the Attorney of ſuch Creditor or Creditors hath been duly notified, and a reaſonable Time to appear and ſhew Reaſon (if any be) why ſaid Oath ſhould not be adminiſtered: And if no ſufficient Reaſon is ſhewn to the contrary, ſuch Aſſiſtant or Juſtice ſhall adminiſter ſaid Oath to ſuch impriſoned Debtor; after which the Keeper of the Gaol ſhall not ſtand charged with ſuch Priſoner, unleſs the Creditor ſhall allow him a weekly Maintainance, ſuch as three Juſtices of the Peace, *Quorum unus*, ſhall appoint, till the next County Court; which Court ſhall then determine how much the ſame ſhall be.

And

And all ſuch Charges as the Creditor ſhall be at, he ſhall have Power to levy with the Execution, before the Priſoner be diſcharged from Priſon. Power to levy.

That no Perſon committed to Priſon for Non-payment of Fines, Taxes, or upon Attachment or Execution in Civil Cauſes, ſhall be permitted by the Keeper of the Priſon to go at Liberty without the Precincts of the Priſon, but by the Licence of the Court that committed him, or of the Creditor for whoſe Cauſe he is arreſted and impriſoned, upon Penalty of paying the Fine or Tax upon him, or ſatisfying the Debt or Damage for which he is committed, to him to whom the ſame is due. Priſoners not permitted to go at large. On penalty.

That Priſoners for Debt, and Felons ſhall not be lodged together in any common Gaol or Priſon in the ſame Room. Debtors and felons not to be lodged in one room.

And if any Gaoler, or Keeper of a Priſon, ſhall offend herein, he ſhall forfeit and pay to the Party grieved treble Damages; to be recovered by an Action, by Virtue of this Act. Penalty.

*Be it further enacted by the Authority aforeſaid*, That the reſpective Sheriffs of the ſeveral Counties in this State, for the Time being, ſhall have the Charge and Cuſtody of the Gaols in their reſpective Counties; and they are hereby conſtituted the Keepers of them, and ſhall and may put in, and ſubſtitute under them, ſuch Keepers of the ſaid Gaols as they ſhall ſee Cauſe; and ſhall be reſponſible for all Damages that any Perſon ſhall ſuſtain by the Eſcape of any Priſoner out of ſuch Gaol, through the Fault or Connivance of ſuch Keepers, on any other Perſon whatſoever, having the Charge of ſaid Gaols under ſuch Sheriffs; as alſo for other Faults and Negligences of ſuch Under-keepers, by ſaid Sheriffs appointed, in any Matters reſpecting ſaid Truſt. Sheriffs to be gaolers.

That when any County is deſtitute of a Gaol, any Perſons in ſuch County liable to be impriſoned, may by lawful Authority be ſent to the common Gaol of the next adjoining County; and the Keeper of ſuch Gaol ſhall receive and keep ſuch Priſoners accordingly. When counties are deſtitute of gaols, &c.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons lawfully committed to any of the Gaols in this State, (either in any civil or criminal Caſe) ſhall break ſuch Gaol and make his or their Eſcape, through, or by Reaſon or Means of the Defects or Inſufficiency of ſuch Gaol, the Coſt and Charges occaſioned, and expended thereby, and the Damages ſuſtained by the Perſon or Perſons by Reaſon of ſuch Eſcape or Eſcapes, ſhall be paid and anſwered out of the County Treaſury, of that County wherein ſuch defective Gaol is; and the County Court of that County, upon Application to them made, and Proof thereof, ſhall order Payment accordingly; the ſaid Coſt and Damages being firſt juſtly by them aſcertained and allowed; and that in Caſe any Party or Perſon ſhall be aggrieved by the Denial or Determination of ſuch County Court, he or they may appeal to the next Superior Court to be holden in that County; who are impowered to hear, adjuſt, and determine the ſame, and order Payment as aforeſaid, with ſuch Coſts ariſing on the Appeal, as they ſhall judge reaſonable. Eſcapes.

*Be it further enacted by the Authority aforeſaid*, That if there ſhall not be a Sufficiency of Money at any Time in the County Treaſuries to anſwer ſuch Orders, the County Court of the County where Monies are wanting for the Purpoſe aforeſaid, are hereby impowered and directed to tax and aſſeſs the Inhabitants of ſuch County in ſuch Sum or Sums as the Court ſhall judge needful for the Purpoſe aforeſaid; and to appoint and impower a Collector or Collectors, for collecting the ſame, and to grant Warrant or Warrants accordingly; which Collectors ſhall have the ſame Authority as other Collectors in this State, by Law have. County courts to tax the county, &c.

*Provided neverthelefs*, That nothing in this Act ſhall be conſtrued to prejudice, or hinder any Party or Perſon from recovering any Expence, Coſt Proviſo.

or Damage of the Perſon or Perſons, or out of the Eſtate of ſuch Perſon or Perſons who ſhall break, or be aiding or aſſiſting in breaking the Gaol, or who ſhall eſcape, or be aiding thereto, according to Law; and when ſuch Remedy for Satisfaction may be had, the County ſhall not be charged with, nor be ordered to pay the ſaid Expence, Coſt or Damage.

Proviſo. *Provided alſo*, That nothing in this Act ſhall be conſtrued, or extended to ſave Harmleſs, or excuſe any Sheriff in any Eſcape, but what ſhall happen through the Defect or Inſufficiency of the Gaol as aforeſaid, and that without his Default and Negligence; nor ſhall this Act hinder any Perſon from any Remedy he now hath, or hereafter by Law ſhall have, in all or any of the Matters aforeſaid.

## An Act relating to Goats.

Fee. BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Fees for impounding Goats ſhall be for each Goat *Two-Pence.*

Goats impoundable, &c. *And be it further enacted*, That all Goats in any Town in this State being found out of the Incloſure of the Owner or Owners of ſuch Goats, may be lawfully impounded; and the Owner or Owners of ſuch Goats ſo impounded, ſhall pay Poundage and Damages: And the Damages done by ſuch Goats, whether within Incloſure or not, ſhall be determined in the ſame Manner as Damages done by other Creatures are, when impounded from Incloſures lawfully fenced: Unleſs any Town ſhall agree and order otherwiſe in their own Precincts.

## An Act concerning Grand-jury Men.

Towns to chooſe grand-jury-men annually. BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Town in this State, on the Day of their annual Town-Meeting for electing Town-Officers, ſhall elect and chooſe two or more ſober diſcreet Perſons of their Inhabitants, to ſerve as Grand-jurors for the enſuing Year; who ſhall be ſworn by the next Aſſiſtant or Juſtice of the Peace.

26s. fine for refuſal, &c. But in Caſe any Perſon ſo elected ſhall refuſe to accept, and take the Oath for ſuch Officers provided, and ſerve as aforeſaid, (unleſs he render a ſatisfying Reaſon to the Town-Meeting, or to the Authority before whom he ſhall be called to take the Oath, why he ought not to ſerve as aforeſaid) he for ſuch Refuſal ſhall incur the Penalty of *Twenty-Six Shillings*, and another Perſon ſhall be choſen in his Room, who ſhall upon Acceptance, be ſworn as aforeſaid: And the Names of ſuch Grand-jurors ſhall by the Clerk of the Town be returned unto the Clerk of the County Court within the ſame County; and the Clerk of the County Court, ſhall by his Writ ſummons ſuch a Number of the ſaid Grand-jurors within the ſaid County as ſhall be neceſſary to attend, and ſerve at the ſaid County Courts.

Penalty. And if any ſuch Grand-juror, ſo as aforeſaid required, and ſummoned to ſerve on the Grand-jury, ſhall neglect or refuſe to appear, (unleſs he ſhall give ſufficient Reaſon for his Refuſal) he ſhall forfeit the Sum of *Twenty Shillings.*

Their duty. And all Grand-jurors ſhall diligently enquire after, and make due Preſentment of all Miſdemeanours and Breaches of Law, whereof they have Cognizance; whether the ſame were committed before ſaid Grand-jurors are choſen and ſworn to ſaid Office, or afterwards: Which Preſentments they ſhall ſeaſonably make to the Court, or to ſome Aſſiſtant or Juſtice of the Peace; that Offenders may be dealt with according to Law.

And if any Grand-jury-man, after he is ſworn, ſhall neglect to make ſeaſonable

ſeaſonable Preſentment of any Breach of Law, whereof he hath Cognizance, he ſhall pay a Fine of *Ten Shillings*.

Penalties to the town treaſurer.

All which Penalties ſhall be and belong to the Town-Treaſury of the Town where ſuch Grand-juror dwells.

Allowance.

And all Grand-jury-men ſhall be allowed *Four Shillings* per Day for their Time of Attendance, and *Four-Pence* per Mile Travel out, when they ſhall be required to give their Attendance at the Superior or County Court: To be paid out of the State or County Treaſury, as the Law directs.

Penalty on towns neglecting to chooſe, &c.

And every Town in this State that ſhall neglect or refuſe to make Choice of Grand-jurors, as aforeſaid, ſhall for every ſuch Neglect or Refuſal, incur the Penalty of *Five Pounds*, to the Treaſury of the County wherein ſuch Town lieth: To be recovered by Bill, Plaint or Information.

*And to enable Grand-jurors more effectually to detect Breaches of Law,*

Grand-jurors to meet once in three months, &c.

*Be it further enacted by the Authority aforeſaid*, That the Grand-jurors in each reſpective Town in this State, ſhall once in three Months in each Year, and oftner if Need ſo require, meet at ſuch Time and Place as they ſhall appoint, to adviſe concerning ſuch Breaches of Law as by their Office they are to enquire after and preſent: And ſhall have Power to call before them at ſuch Meetings, any Perſon or Perſons as Witneſſes, in order to be examined touching ſuch Delinquency as they are enquiring after: And if any Perſon refuſe to appear before ſuch Grand-jurors at ſuch Meeting, being ſummoned thereto by Warrant from an Aſſiſtant or Juſtice of the Peace, (who are hereby directed to grant ſuch Warrant, on the Requeſt of ſuch Grand-jurors) or ſhall refuſe to be examined upon Oath, if thereto required, ſuch Witneſſes may by ſuch Aſſiſtant or Juſtice, on Conviction of ſuch Refuſal, be committed to the common Gaol; there to remain at his own Coſt, until he will give Evidence, as aforeſaid.

Proviſo.

*Provided*, That ſuch Evidence ſhall at no Time be conſtrued to the Prejudice of ſuch Witneſs.

Superior and county courts impowered to order in a grand-jury, &c.

*And be it further enacted by the Authority aforeſaid*, That the Superior Court and County Courts in this State, ſhall have Power to order a Grand-jury of Eighteen of thoſe choſen by the reſpective Towns in the County, or other ſufficient Freeholders of the County where ſuch Court is ſitting, to be ſummoned, impannelled and ſworn to enquire after and preſent ſuch criminal Offences as ſhall be cognizable by ſaid Courts reſpectively, where there ſhall be Occaſion.

No perſon held to trial unleſs upon bill found, &c

12 of the jurors to agree, &c.

And no Perſon ſhall be held to Trial, or put to plead to any Complaint, Indictment or Accuſation for a Capital Offence puniſhable with Death, unleſs a Bill of Indictment be found againſt ſuch Perſon for ſuch Crime, by a Grand-jury legally impannelled and ſworn; and that no Bill of Indictment ſhall be preſented by any Grand-jury ſo impannelled, unleſs twelve at leaſt of the Jurors agree to it.

## An Act relating to Guardians of Minors.

Guardians how choſen.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when and ſo often as there ſhall be Occaſion, the Courts of Probate in the ſeveral Diſtricts in this State, ſhall be, and they are hereby impowered to allow of Guardians, who ſhall be choſen by Minors of Age by Law for the chuſing of Guardians; and to appoint Guardians for ſuch as ſhall be within that Age.

Judges duty to cauſe minors to elect.

And that when it ſhall ſo happen that there ſhall be any Minor, of Age for the chuſing a Guardian, who hath neither Father, Guardian, nor Maſter; then each and every of the Judges of the ſaid Courts of Probates within

within whoſe Diſtrict ſuch Minor lives or reſides, ſhall notify ſuch Minor to appear before him, and elect ſome meet Perſon to be his or her Gardian; which being done, the ſame may be allowed as aboveſaid.

On refuſal judges to appoint.

And upon Refuſal or Neglect to make ſuch Election, ſuch Judge ſhall appoint, and the reſpective Judges aforeſaid, are hereby impowered to appoint a Guardian for ſuch Minor neglecting or refuſing as aforeſaid. And the Power and Authority of ſuch Guardian ſhall be as good and effectual to all Intents and Purpoſes, as if firſt elected by ſuch Minor; and thereupon allowed as aforeſaid.

Judges to take bond.

And every Judge of Probate, on his allowing or appointing any Guardian as aforeſaid, ſhall take ſufficient Security of all ſuch Guardians, for the faithful Diſcharge of their Truſt, according to Law; and to oblige them to render their Account of their Guardian-ſhip to the Court, or Minor, when ſuch Minor ſhall arrive at full Age; or at ſuch other Time, as the ſaid Court of Probate, upon Complaint to them made ſhall ſee Cauſe to appoint.

## An Act for providing, altering, regulating and mending High-ways.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That each Town in this State ſhall, at their annual Meeting for electing Town Officers, yearly chooſe two or more of their Inhabitants to be Surveyors of High-ways; to take Care of, and over-ſee the mending and repairing of all the High-ways within their Towns, reſpectively: Which Surveyors ſhall be ſworn to a faithful Diſcharge of their Office: Who are hereby impowered to call out the ſeveral Perſons in ſuch Towns, from ſixteen Years of Age, to ſixty Years of Age; as well Indian, Molatto and Negro-Servants or Slaves, as others, (Magiſtrates, Juſtices of the Peace, Goſpel-Miniſters, Ruling-Elders, allowed Phyſicians, School-Maſters, Conſtant Herdſmen, Shepherds, one Miller to each Griſt-Mill, and ſuch other Perſons as are exempted by Law excepted) two Days at leaſt in each Year, if there ſhall be need, and ſo many more as in his or their Judgment ſhall be found neceſſary for the attaining the afore-mentioned End; to be directed in their Work by the ſaid Surveyors. And where they ſhall ſee meet to employ a Team, they may warn the Owner thereof to bring forth the ſame for that Service: And the Owner of ſuch Team ſhall be allowed for his Team the Work of one Man.

Surveyors to be yearly choſen.

Three days warning.

And all Perſons ſhall have three Days Warning, before the Day appointed for ſuch Employment.

Penalty for neglect.

And if any Perſon ſo warned, ſhall refuſe or neglect to attend and perform the ſaid Service in Manner aforeſaid, he ſhall forfeit for every Day's Neglect, *viz.* For a Perſon, the Sum of *Two Shillings* and *Three-Pence*; and for a Man and Team, the Sum of *Four Shillings* and *Six-Pence*.

Parents to pay when, &c

Which Forfeitures being made by Minors and Servants, or Slaves, ſhall be paid by their Parents, Guardians or Maſters reſpectively: And the Fines ſo forfeited, ſhall be delivered to ſaid Surveyors, and by them be improved to hire others to work in ſaid Ways.

Surveyors to make preſentment.

And every Surveyor ſhall, within four Days after the ſeveral Days appointed for ſaid Work, deliver in to ſome Aſſiſtant or Juſtice of the Peace a true Preſentment of all ſuch Perſons as have been defective, with an Account of their ſeveral Defects or Neglects: And if the Perſon defective either in Whole or in Part of the Work, ſhall not within one Week after ſatisfy the Surveyor, or give ſatisfying Reaſons to the ſaid Aſſiſtant or Juſtice, of his not working, ſuch Aſſiſtant or Juſtice ſhall grant a Diſtreſs directed to the Sheriff, his Deputy, or Conſtable, for the levying by Diſtreſs

and

and Sale of the Offender's Goods. The incurred Forfeitures to be delivered to the ſaid Surveyors, for the Uſe aforeſaid.

And if any Surveyor neglect the Truſt committed to him, either in not calling out the Inhabitants to Labour, as aforeſaid, or in not returning the Names of thoſe who ſhall be deficient, as aforeſaid, he ſhall incur the ſame Penalty as thoſe he paſſed by are liable to, by Virtue of this Act; to be recovered on Complaint and Conviction thereof by Diſtreſs, as aforeſaid.

Surveyors neglecting their truſt, to forfeit, &c.

And every ſuch Surveyor ſhall render an Account of the Improvement of all ſuch Forfeitures as ſhall be by him received, to the Aſſiſtant or Juſtice who granted out a Diſtreſs for the ſame, within twenty Days after receiving ſuch Forfeitures: And if it appear to ſuch Aſſiſtant or Juſtice, that any ſuch Surveyor hath neglected to improve ſuch Forfeitures according to the Direction of this Act, that then, in ſuch Caſe, ſuch Aſſiſtant or Juſtice is hereby authorized and impowered to grant a Diſtreſs againſt the Goods and Chattels of ſuch Surveyor, for collecting ſuch Sum or Sums as ſhall be found not to be improved as aforeſaid; and the ſame to be delivered to the Treaſurer of the Town where ſuch Diſtreſs is made.

To render an account, &c.

*Be it further enacted by the Authority aforeſaid*, That whenever there may be Occaſion to clear any Water-Courſe, or Place or Places where Water may drain off from any Highway, to make the ſame dry and better to paſs in, the ſaid Surveyors of Highways, with the Perſons attending them, may, and they are hereby impowered to clear ſuch Water-Courſes and Places where Water may drain off from Highways into or through any Perſon's Land or Poſſeſſion ſo far as may be neceſſary ſufficiently to drain the Water off from the Highways.

Power to turn water courſes.

And that the reſpective Towns in this State have Liberty, ſo often as they judge neceſſary, at their annual Town Meetings, to vote and agree, that the Select-men ſhall ſet out to each Surveyor of Highways, by ſuch Town choſen, a certain Diſtrict within ſaid Town for mending Highways, and order and direct who of the Inhabitants by Law obliged to work at Highways, ſhall labour under each Surveyor; and to alter ſaid Diſtricts as they ſhall find Occaſion. And the Select-men of every Town ſo agreeing, are hereby appointed and impowered to perform the Service aboveſaid.

To divide into diſtricts, &c.

*Provided*, This Act ſhall not be conſtrued to the Prejudice of ſuch as have obtained Liberty, or ſhall obtain Liberty from the County Court to ſet up Gates or Bars in Highways.

Proviſo.

*Be it further enacted by the Authority aforeſaid*, That where a new Highway or common Road from Town to Town or Place to Place ſhall be wanting, and where old Highways with more Conveniency may be turned or altered, any Perſon or Perſons may make Application to the County Court within the ſame County for that Purpoſe; which Perſons moving as aforeſaid, ſhall, at leaſt twelve Days before the ſitting of the Court to which he or they ſhall make Application as aforeſaid, cauſe a Citation to be ſerved on one or more of the Select-men of that Town, within whoſe Bounds the ſame is moved to be laid out or altered, to appear (if they ſee Cauſe) at ſaid Court, and make their Objections (if any they have) againſt ſuch Highways being laid out or altered; and thereupon, if no Objections are offered, or if the Objections are judged inſufficient, the ſaid County Court may enquire, by a diſintereſted Committee, or otherwiſe, into the Conveniency and Neceſſity thereof; and if the ſame is judged by ſaid Court to be of common Convenience or Neceſſity, ſuch Court is hereby impowered to appoint a Committee of three diſintereſted Freeholders, to view and lay out, or alter ſuch Highway; which Committee ſhall give ſeaſonable Notice to one or more of the Select-men of the Town or Towns in which the ſame is to be laid out; and alſo ſet up a Notification in Writing on the Sign-Poſt in ſuch Town or

New highways or old ones altered, how to be effected.

Committee to enquire, &c.

Notice given.

Towns,

Towns, at leaſt twenty Days before they enter on ſaid Service, thereby notify the Owners of the Lands, and others concerned, of the Time, Place, and Occaſion of their Meeting, and ſhall be under Oath to perform ſaid Service, according to their beſt Skill and Judgment with moſt Convenience to the Public, and leaſt Damage to private Property; and ſhall aſcertain the Place and Courſe of ſuch Highway, and eſtimate the Damages done to any particular Perſons by laying out the ſame, and make Return thereof in Writing under their Hands to ſaid County Court; which being approved by the Court and recorded, ſaid Highway ſhall be and remain a Public Highway: And the Charges of laying out the ſame, and the Damages ſuſtained by any Perſons thereby, ſhall be paid by the Town in whoſe Bounds it ſhall be laid out: And upon their Neglect to make Payment thereof to the Perſons to whom the ſaid Charge or any Part thereof ſhall be ſo ordered, the ſaid Court ſhall ſend forth a *Scire Facias* againſt the Select-men of ſaid Town, to ſhew Cauſe whereof Execution ſhall not be awarded againſt them; and upon their Neglect to ſhew ſufficient Cauſe, ſhall award Execution againſt them for the Charges aforeſaid, with additional Coſt.

Aggrieved perſons how relieved, &c.

And in Caſe any Perſon is aggrieved by the Doings of ſaid Committee, either in laying out ſuch Highway or eſtimating the Damages, the Court upon Application, before the Report of the Committee is accepted or any Determination made thereon, may enquire into the Matter complained of by a Jury, if the Party aggrieved deſire it, and grant ſuch Relief as the Caſe may require. But if it appear that there was no juſt Cauſe of Complaint, the Court may order that the Perſon applying ſhall pay the Coſt, ariſing thereby, otherwiſe it ſhall be paid by the Town; and ſuch Court may give Judgment and grant Execution accordingly.

Select-men may lay out highways, &c.

*And be it further enacted by the Authority aforeſaid*, That the Select-men of the reſpective Towns in this State, or the major Part of them, may lay out ſuch public Highways or private Ways as they ſhall judge needful, within their reſpective Towns, firſt giving reaſonable Notice to the Owners of the Lands through which the ſame are to be laid out, or leave ſuch Notice in Writing at the Place of their Abode, if within this State, to be preſent, if they ſee Cauſe, at the laying out of ſuch Ways: And the Damage done to ſuch Perſon by laying out the ſame, ſhall be paid by the Perſons applying for ſuch Ways, if the ſame be for their private Uſe only, but if ſuch Ways be for the common Uſe of the Inhabitants, it ſhall be paid by the Town: And a Survey in Writing, under the Hands of the Select-men, containing a particular Deſcription of ſuch Ways being made, accepted by the Town, and recorded in the Records of Lands in ſuch Town, and Satisfaction made to the Perſons damnified, or the Money depoſited with the Town Treaſurer for their Uſe, ready to be paid to them when they apply for the ſame, according to an Eſtimate that ſhall be made by three judicious diſintereſted Freeholders, under Oath, appointed by a Juſtice of the Peace for that Purpoſe, or as the Select-men and Parties intereſted may agree; then ſuch Ways ſhall be and remain for the Uſe for which they were laid out.

Proviſo.

*Provided nevertheleſs*, That if any Perſon ſhall be aggrieved by any Act of the Select-men, in laying out any public or private Way, or by the Eſtimate of the Damages, ſuch aggrieved Perſon may, within eight Months after the ſame is laid out, apply to the County Court in the County where in ſuch Town is ſituated, for Relief; cauſing ſaid Select-men to be duly cited to ſhew Reaſon, if any be, why ſuch Relief ſhould not be granted; which Court may enquire of the ſame by a Jury, if the aggrieved Party deſire it, or by a Committee, and grant ſuch Relief as ſhall appear to ſaid Court juſt and reaſonable, either by continuing ſuch Highway or private Way,

Way or altering the ſame, or increaſing the Damages: And if it appear there was juſt Cauſe of complaint, the Charges ariſing thereby, and the Increaſe of Damages, if any be, ſhall be paid by the Town or Perſons for whoſe Uſe ſuch Way is laid out; but if otherwiſe, the ſaid Court may order ſaid Coſt to be paid by the Party complaining, and give Judgment and grant Execution accordingly.

Highways laid out by the ſelect-men, not to be laid open till after one year.

And no Highway or private Way, laid out by the Select-men by Virtue of this Act through any Perſon's Incloſure, who ſhall declare himſelf aggrieved by laying out the ſame, ſhall be laid open or occupied until the Expiration of twelve Months after laying out ſuch Way, that ſuch Perſons may have Opportunity to apply for Relief as aforeſaid, and alſo have Time to fence and ſecure their Incloſures.

Select-men refuſing to lay out private ways, county court impowered, &c.

*And be it further enacted*, That if the Select-men of any Town, upon Application, ſhall refuſe or neglect to lay out ſuch private Ways as may be neceſſary for any Inhabitants of ſuch Town, the County Court is hereby impowered, upon Application, to cauſe ſuch Ways to be laid out as may appear neceſſary, in the ſame Manner as public Highways are by this Act directed to be laid out, and order the Coſt of laying out the ſame, and Damages ſuſtained by any Perſons thereby, to be paid by the Perſons applying for ſuch Ways, if the ſame be for their Uſe only; but if for the common Uſe of the Inhabitants, then to be paid by the Town.

Pay allowed to committee.

And each Committee-man imployed in laying out High-ways, ſhall be allowed for Himſelf, Horſe and Expences, *Eight Shillings per Diem.*

## An Act to prevent the ſelling, or tranſporting raw or untanned Hides or Skins, out of this State.

Penalty for tranſporting raw hides out of the State.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons ſhall, directly or indirectly, ſell or tranſport, or ſend away out of this State, any raw or untanned Hides or Skins of any Neat Cattle, upon Pain of forfeiting the Sum of *Twenty Shillings* lawful Money, for every ſuch Hide or Skin ſo ſold, tranſported or ſent away; one Half thereof to the Complainer, who ſhall proſecute the ſame to Effect, and the other Half to the Treaſury of the County where the Offence is committed.

## An Act for preventing of Horſe-Racing.

Preamble.

WHEREAS *Horſe-Racing is a growing Evil, productive of Diſſipation, Idleneſs, and many other Vices ruinous to Individuals and detrimental to public Weal.* Which to prevent:

Penalty for horſe racing, where bets are laid.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the Owner or Owners every Horſe or Horſe-Kind, that ſhall be uſed, employed, or improved Horſe-Racing in this State, by his or their Privity or Permiſſion, whereany Stakes are held, or any Bets or Wagers laid or dependant, either directly or indirectly, ſhall forfeit every ſuch Horſe or Horſe-Kind employas aforeſaid, or the Value thereof. And that every Perſon or Perſons concerned in laying any Bet or Bets or Wagers on ſuch Race or Races ſhall forfeit the Sum of *Forty Shillings* lawful Money, in all Caſes where the Bet or Wager laid ſhall be *Forty Shillings* or under; in all other Caſes the Value of the Bet or Wager laid as aforeſaid.

All which Forfeitures to be recovered by Bill, Plaint, or Information thereof made, and Conviction had before any proper Court to try the ſame;

Penalties how recovered.

the one Half of ſaid Forfeitures (in Caſe of a common Informer) to him or them who ſhall proſecute the ſame to Effect, and the other Half to the public Treaſury; but in Caſe of Proſecution by an Informing Officer, the Whole of ſaid Penalty to the public Treaſury.

Informing officers to preſent.

And all Informing Officers are hereby directed to make due Preſentment of all Breaches of this Act.

## An Act for relieving and ordering of Idiots, impotent, diſtracted and idle Perſons.

Providing for idiots and diſtracted perſons

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when and ſo often as it ſhall happen that any Perſon or Perſons ſhall be naturally wanting of Underſtanding, ſo as to be incapable to provide for themſelves; or by the Providence of God ſhall fall into Diſtraction, and become *Non Compos Mentis*, or ſhall by Age, Sickneſs, or otherwiſe become poor and impotent, and unable to ſupport or provide for themſelves; and having no Eſtate where-withal they may be ſupported and maintained, then they, and every of them ſhall be provided for, taken Care of, and ſupported by ſuch of their Relations as ſtand in the Line or Degree of Father or Mother, Grand-father or Grand-mother, Children or Grand-children, if they are of ſufficient Ability to do the ſame: Which ſufficient Relations ſhall provide ſuch Support and Maintenance, in ſuch Manner and Proportion as the County Court in that County where ſuch Idiot, diſtracted, poor or impotent Perſon dwells ſhall judge juſt and reaſonable; whether ſuch ſufficient Relations dwell in the ſame, or in any other County.

Application to be made to the C. court.

And the ſaid Courts are hereby fully authorized and impowered, upon Application to them made, either by the Select-men of the Town, or any one or more of ſuch Relations, to order the ſame accordingly.

To award execution, in caſe, &c.

And if any ſuch Relations who ſhall by ſuch Court be aſſeſſed, or ordered to pay and contribute any certain Sum or Sums for the Purpoſe aforeſaid ſhall neglect to do the ſame, or give ſufficient Security to abide by, and fulfil the Judgment of the Court, the ſaid Court may award Execution quarterly againſt ſuch Perſons reſpectively, for the levying of ſo much as they are reſpectively aſſeſſed: To be delivered into the Hands of the Complainant or Complainants reſpectively, for the Purpoſe aforeſaid.

Idiots, diſtracted & impotent perſons having eſtates, the C. court to order, &c.

But if ſuch Idiot, diſtracted or impotent Perſons have any Eſtate, the County Court of that County where they dwell, may order and diſpoſe thereof in ſuch Manner as they ſhall judge beſt for, and towards the Support of ſuch Perſons; as alſo the Perſons themſelves, to any proper Work or Service he, ſhe or they may be capable to be employed in, at the Diſcretion of the Select-men; or may appoint and impower ſome meet Perſon a Conſervator to take Care of, and overſee ſuch Idiots, diſtracted and impotent Perſons and their Eſtates, for their Support; who ſhall be accountable to ſaid Court for their Management of ſaid Truſt, when thereunto ordered by ſaid Court.

Power of courts of probate to order ſale of eſtates of idiots.

That in future, whenever it ſhall appear to the reſpective County Courts upon the Liquidation and Adjuſtment of Accounts exhibited to them, pursuant to the Proviſions of this Act, that the Debts ſo aſcertained, ſhall exceed the perſonal Eſtate of ſuch Idiot, diſtracted or impotent Perſon or Perſons, it ſhall be lawful for the ſaid Courts reſpectively, to order the Sale of ſo much of the real Eſtate of ſuch Perſon or Perſons as ſhall be ſufficient to pay the ſame, with incident Charges of Sale, in ſuch Manner as ſhall appear to them moſt for the Benefit of ſuch Eſtate; which Sales ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever; any Thing in this Act to the contrary in any Wiſe notwithſtanding.

But if ſuch Idiots, diſtracted, poor and impotent Perſons have not Eſtate (the Incomes whereof being improved or diſpoſed of as aforeſaid) ſufficient for their Support, and no Relations appear to provide for them, or that ſtand in ſo near a Degree that they may be compelled thereto; in every ſuch Caſe the Select-men or Overſeers of the Poor of the Town or Peculiar where ſuch Perſon was born, or is by Law an Inhabitant, be, and hereby are impowered and required to take effectual Care, and make neceſſary Proviſion for the Relief, Support and Safety of ſuch Idiot, diſtracted, poor or impotent Perſon, at the Charge of the Town or Place whereto he or ſhe of Right belongs; or if they belong to no Town or Place in this State, then at the Coſt and Charge of the State.

If ſaid perſons have no eſtate, nor any relative appear, the ſelect-men to take care and provide for their relief.

That when it ſhall ſo happen, that any Man ſhall die without Iſſue, leaving a Widow and an Eſtate, real or perſonal, belonging to him, ſuch Eſtate is hereby made liable for the Support of the Widow of ſuch deceaſed Husband, during her Widowhood, in Caſe ſhe become impotent, and no Perſon of Ability held in Law to ſupport her. And that all and every Perſon or Perſons, to whom ſuch Eſtate, or any Part thereof, is given or deſcends reſpectively, ſhall, ſo far as the Eſtate ſo given or deſcended extends, be held to ſupport ſuch Widow during her Widowhood, in Proportion to the Value of the Eſtate ſo given or deſcended to him or them, as aforeſaid, reſpectively: Such Maintenance and Support to be recovered of ſuch Heir or Legatee, their Heirs, *&c.* in the ſame Way and Manner as may be obtained againſt Children for the Support of their Parents, according to the Laws of this State in ſuch Caſe made and provided.

Eſtate of perſons who die without iſſue, liable to ſupport the widow.

*And be it further enacted by the Authority aforeſaid*, That the Select-men for the Time being, in the ſeveral Towns in this State, ſhall from Time to Time, diligently inſpect into the Affairs and Management of all Perſons in their Town, whether Houſholders or others; and if they ſhall find any Perſon or Perſons that are reduced, or are likely to be reduced to Want by Idleneſs, Miſmanagement, or bad Husbandry, that then ſuch Select-men may appoint an Overſeer to adviſe, direct, and order ſuch Perſon in the Management of his Buſineſs, for ſuch Time or Times as they ſhall think proper: A Certificate of which Appointment the Select-men ſhall forthwith ſet upon the Sign-Poſt, and lodge a Copy thereof in the Town-Clerk's Office of ſaid Town; and thereupon no ſuch Perſon, while under ſuch Appointment, ſhall be able to make any Bargain or Contract, without the Conſent of ſuch Overſeer, that ſhall be binding, or valid in Law.

Select-men to inſpect into the affairs of all perſons in their towns.

And if ſuch Meaſures do not prove ſufficient to reform ſuch Perſon, then the Select-men (or without firſt appointing ſuch Overſeer, if they judge it neceſſary or more proper) may, and they are hereby directed to make Application to the next Aſſiſtant or Juſtice of the Peace, and inform him thereof: Which Aſſiſtant or Juſtice is hereby directed and impowered, at the Requeſt of the Select-men, to iſſue forth his Warrant to the Sheriff, his Deputy, or to either of the Conſtables of that Town, commanding them to take the Body of ſuch Perſon, and bring him before the ſaid Authority, in order that ſuch Perſon may be examined concerning his Idleneſs, Miſmanagement, and bad Husbandry, and to be dealt with according to this Act.

Perſons not reformed, the ſelect-men to, &c.

And in Caſe ſuch Perſon who ſhall be ſo informed againſt, ſhall abſcond, ſo that he cannot be taken bodily, then the Officer ſhall ſerve ſuch Warrant by leaving a true and atteſted Copy thereof at the uſual, or laſt Place of his Abode; and thereupon, after the Proceedings above directed to, the Select-men, or the major Part of them, if no ſufficient Reaſon be offered to the contrary, ſhall, by and with the Advice of ſaid Aſſiſtant or Juſtice, and they having ſuch Advice, are hereby authorized, and fully impowered to take ſuch Perſon and his Family (if any he hath) into, and un-

Such perſons not to make contracts, &c.

der their Care; and ſuch Perſon and Family to aſſign, bind, and diſpoſe of in Service as they ſhall judge beſt.

Select-men to take into their hands the lands, &c.

And when the Select-men ſhall have thus taken into their Care any ſuch Perſon, and diſpoſed of him as aforeſaid; or in Caſe of his abſconding as aforeſaid, if informed and proceeded againſt as aforeſaid; the Select-men for the Time being are hereby authorized and fully impowered, by and with the Advice of the ſaid Aſſiſtant or Juſtice, to take into their Hands and Cuſtody, all the Lands, Goods, Chattels and Credits of any ſuch Perſon, and the ſame to diſpoſe of, improve and manage by themſelves, or any under them, for the beſt Good and Advantage of ſuch Perſon, or his Heirs.

Proviſo.

*Always provided*, That no Select-men ſhall have Liberty to ſell the Lands of any ſuch poor, or idle Perſon, without the Order of the General Aſſembly.

Select-men to ſet up on the ſign-poſt a certificate of their proceedings in taking the eſtate of poor and idle perſons.

And the Select-men ſhall make evident and certain their Doings with, and on ſuch Eſtate as they ſhall take as aforeſaid, by forthwith ſetting up a Certification thereof in Writing, under the Hands of the ſaid Authority and Select-men, on the Sign-Poſt, or ſome other public Place in ſaid Town; and lodge a Copy thereof in the Town Clerk's Office of ſaid Town; and ſhall alſo within Ten Days after the taking of ſuch Eſtate into their Hands, make a true and perfect Inventory of all, and ſingular the Goods, Chattels and Credits of ſuch Perſon, as ſhall come into their Hands, with a juſt Eſtimate of the true Value of every Article thereof, by the Appraiſement of two indifferent Freeholders under Oath, being thereunto appointed and ſworn by ſaid Authority: Which Inventory ſo taken, ſhall be lodged in the Town Clerk's Office of that Town.

Select-men to demand and recover the eſtates of idle perſons, &c.

And if any Perſon or Perſons ſhall detain or with-hold from ſuch Select-men any Eſtate, Lands, or Credits, belonging to ſuch idle and poor Perſon, the ſaid Select-men are hereby impowered to demand and recover the ſame by Action, or by other Means, from Time to Time: Which being recovered and received by ſuch Select-men, ſhall, if perſonal Eſtate, be inventoried as aforeſaid; and the Whole to be improved as aforeſaid.

Select-men to pay out, &c.

And the ſaid Select-men ſhall take Care to pay out of ſuch Eſtate in their Hands, the juſt Debts due from ſuch Perſons.

Perſons aggrieved, to apply to the county court.

And if any Perſon or Perſons ſhall be aggrieved with the Doings of any Select-men in any ſuch Caſe, they may apply themſelves, and complain to the next County Court in that County for Relief; who are hereby impowered to afford ſuch Relief, on hearing the Caſe, as they ſhall think convenient; and give Orders therefor, and put the ſame in Execution accordingly.

Diſabled from making contracts.

And all ſuch Perſons who ſhall be taken, and whoſe Eſtate ſhall be taken and diſpoſed of according to this Act, ſhall be diſabled to make any Contract, Act or Deed that ſhall be binding upon their Perſons or Eſtate, as Minors under Guardians by Law are; until ſuch Time as ſuch Perſons by their Induſtry, good Management and Application to Buſineſs ſhall obtain under the Hands of ſuch Authority and Select-men that they are releaſed, and their Eſtate put into their own Hands and Improvement again.

Contracts void.

And all Bargains, Sales and Contracts made, or pretended to be made, contrary to this Act, ſhall be, and they are hereby declared to be null and void.

## An Act for the preventing of Wrong by Impreſſes.

Impreſſes to be by warrant

Reaſonable allowance.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Perſon ſhall be compelled to do any Work or Service for the Public, unleſs it be by Warrant from Authority, and he have reaſonable Allowance therefor: Nor ſhall any Man's

Man's Horſe, Cattle or Goods, of what Kind ſoever, be impreſſed or taken for any public Uſe or Service, unleſs it be by Virtue of ſuch Warrant, nor without ſuch reaſonable Satisfaction: And if ſuch Horſe, Cattle or Goods periſh, or ſuffer Damage in ſuch Service, the Owner ſhall be duly recompenced. Damage to be paid.

## An Act for well-ordering and governing the Indians in this State; and ſecuring their Intereſt.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That it ſhall be the Duty of the Civil Authority and Select-men of ſuch Towns wherein are any Tribe of Indians, to take Care that they be well acquainted with the Laws of the State, made for puniſhing ſuch Immoralities as they may be guilty of; and make them ſenſible that they are liable to the Penalties, in Caſe they tranſgreſs the Laws. Civil authority, &c. to take care the indians be acquainted with the laws againſt immoralities.

And any Indian that ſhall be guilty of wilfully murdering any other Indian, ſhall be put to Death, on being thereof convicted before the Superior Court. Indians murder, death.

And every Indian that ſhall be convicted of Drunkenneſs, ſhall pay a Fine of *Five Shillings*, or be ſet in the Stocks, not exceeding two Hours, nor leſs than one Hour. Drunkenneſs.

And every Indian that ſhall be convicted of profaning the Sabbath or Lord's-Day, by unneceſſary Labour, or Play, ſhall pay a Fine of *Three Shillings*, or ſit in the Stocks one Hour, at the Diſcretion of the Authority before whom the Conviction is. Breach of ſabbath.

And if any Perſon ſhall ſell or give any ſtrong or ſpirituous Liquor to any Indian in this State, ſuch Perſon ſhall, for every ſuch Offence, pay a Fine of *Ten Shillings* for every Pint, and in Proportion for any greater or leſſer Quantity of ſuch Liquor, ſo ſold, or given to any Indian. And the Accuſation of an Indian, and other ſtrong Circumſtances, ſhall be ſufficient Evidence to convict any Perſon of the Breach of this Paragraph, unleſs the Perſon accuſed ſhall acquit him or herſelf on Oath. Penalty for ſelling ſtrong drink to indians.

*Provided*, That nothing in this Act ſhall be conſtrued to hinder, or reſtrain any Act of Charity for relieving any Indian in Caſe of Sickneſs or Neceſſity. Proviſo.

That no Indenture or Contract made by any Indians for binding out any of their Children, ſhall be valid in Law, except approved by, and acknowledged before an Aſſiſtant or Juſtice of the Peace; which Authority ſhall ſee that Juſtice be done therein. No indenture of an indian valid, unleſs acknowleged.

That it ſhall be the Duty of every Perſon who ſhall take an Indian Child or Children to bring up, to teach him or them to read; and alſo to inſtruct them in the Principles of the Chriſtian Religion, by Catechiſing or otherwiſe. Indian children to be taught to read, &c.

That any Perſon who ſhall neglect his or her Duty therein, and be thereof convicted, ſhall pay a Fine, not exceeding *Thirty Shillings*, on one Conviction, at the Diſcretion of the Authority before whom the Conviction is: And if ſuch Perſon ſhall continue to neglect to inſtruct ſuch Child or Children, (they being capable to learn) it ſhall be the Duty of the Select-men, and they are hereby impowered, by and with the Advice of an Aſſiſtant or Juſtice of the Peace, to remove ſuch Child or Children, and bind him or them to ſome other Perſon, who will take proper Care for their Inſtruction, as aforeſaid. Penalty for neglect. Duty of ſelect-men, &c.

That no Judgment ſhall be rendered againſt any Indian for any Debt, or any Contract, except for Rents of Lands hired and occupied by ſuch Indian. Not proſecutable for debt except, &c.

*And be it further enacted by the Authority aforeſaid*, That no Perſon or Perſons in this State, whether Inhabitants or other, ſhall buy, hire, or receive

No perſon to buy or hire of Indians, unleſs, &c.

ceive a Gift or Mortgage of any Parcel of Land or Lands of any Indian or Indians, for the future; except he or they do buy or receive the ſame for the Uſe of the State, or for ſome Plantation or Village, and with the Allowance of the General Aſſembly of this State.

On penalty, &c.

And if any Perſon or Perſons ſhall purchaſe, or receive Lands of any Indian or Indians, contrary to the Intent of this Act; the Perſon or Perſons ſo offending, ſhall forfeit to the public Treaſury of this State, the treble Value of the Lands ſo purchaſed or received: And no Intereſt or Eſtate in any Lands in this State, ſhall accrue to any ſuch Perſon or Perſons, by Force or Virtue of ſuch illegal Bargain, Purchaſe or Receipt.

[*The above Paragraph, was enacted in October, one Thouſand ſeven Hundred and two; to be in Force from the firſt Day of December, then next following.*]

Law of poſſeſſion not pleadable, &c.

*It is further enacted by the Authority aforeſaid*, That when and ſo often as any Suit ſhall be brought by any Indian or Indians, for the Recovery of any Lands reſerved by the Indians for themſelves, or ſequeſtered for the Uſe and Benefit of the Indians, by Order of this Aſſembly, or by any Town, agreeable to the Laws of this State; that the Defendant or Tenant ſhall not be admitted to plead in his Defence his Poſſeſſion, or any Way take Benefit of the Law, entitled, "*An Act for the quieting Men's Eſtates, and avoiding of Suits*," made *May* the eighth, One thouſand ſix hundred and eighty-four.

*And to prevent Damage that may come to Indians in their Corn-Fields, by Creatures belonging to other People:*

Where indians have corn-fields, fence-viewers to be appointed, &c.

*Be it further enacted by the Authority aforeſaid*, That in each Town in this State, where any Indians have fenced Fields, there ſhall be Fence-Viewers and Apprizers by ſuch Town choſen and appointed, who ſhall be ſworn to view ſuch Indians Fence, and to apprize ſuch Damage as may, or ſhall be done in their Corn-Fields, by any Cattle, Horſes or Swine: And the Judgment and Appraiſement of ſuch Viewers or Appraiſers, ſhall be obſerved, and duly performed, and anſwered by the Owners of ſuch Cattle, Horſes and Swine, to the Indian or Indians damnified.

To have pounds.

And any Indians having ſuch Fields, are hereby allowed to make Pounds within their ſaid Fields, to impound and ſecure Horſes, Cattle and Swine treſpaſſing upon them.

Notice to be give to the owners of creatures impounded.

And the Indian or Indians impounding any Cattle, Horſes or Swine, ſhall forthwith give Notice thereof to the Select-men of that Town wherein ſuch Field is, and to the Select-men of the two next adjacent Towns; unleſs the Owner is known; in which Caſe, Notice ſhall be given to the Owner; and if the Owner doth not redeem his Creatures ſo impounded, by paying the Damage ſuſtained, within twenty-four Hours after Notice to them given of the ſame; or if no Owner appear within three Days after Notice given to the Select-men, as aforeſaid; then, in each of thoſe Caſes, the Select-men of that Town wherein ſuch Field is, ſhall make Sale of ſuch Creatures, or ſo many of them as ſhall anſwer the Damages done by ſuch Creatures, and pay ſaid Damage, and the Charges therewith, and return the Overplus (if any) to the Owner.

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## An Act for the Admiſſion of Inhabitants in Towns, and for preventing Charge on Account of ſuch as are not admitted therein.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no tranſient Perſon

ſon or Inhabitant of any other State, who may come to reſide or dwell in any Town in this State, ſhall gain a legal Settlement in ſuch Town by dwelling there, unleſs admitted by a major Vote of the Inhabitants of ſuch Town, or by Conſent of the civil Authority in and Select-men of ſaid Town, or unleſs ſuch Perſons ſhall be appointed and execute ſome public Office, or have been poſſeſſed in his own Right in Fee of a real Eſtate of the Value of One Hundred Pounds in ſuch Town, during his Continuance there; but ſuch Perſons, not having gained a Settlement as aforeſaid, if the Select-men judge they are likely to become chargeable to ſaid Town, may be removed to the Place of their laſt legal Settlement, notwithſtanding any length of Time that they may have been ſuffered to continue in ſuch Town.

No Perſon admitted an inhabitant, unleſs, &c.

That no Perſon ſhall be received or admitted an Inhabitant in any Town in this State, but ſuch as are known to be of an honeſt Converſation, and ſhall be accepted by the major Part of the Town, or by the Authority in and Select-men of the Town. And no Stranger or tranſient Perſon ſhall be allowed to reſide or make his or her Abode in any Town in this State, (Apprentices under Age and Servants bought for Time excepted) upon Pretence of hiring or being hired, or of Tenantſhip, or Inmates without the Approbation of the Authority in and Select-men of ſuch Town.

To be of honeſt converſation, &c.

No ſtranger to make abode without liberty, &c.

That if any Perſon or Perſons ſhall contrary to the Intent of this Act, entertain or hire any Stranger or tranſient Perſon, or let any Houſe or Land to ſuch Stranger or tranſient Perſon, except he or they ſhall firſt give Security to the Acceptance of the ſaid Authority and Select-men, that ſuch Town ſhall not be burthened and charged by him or them; which Security ſuch Authority and Select-men may take or refuſe at their Diſcretion; he or they ſo entertaining, or hiring, or letting any Houſe or Land to ſuch Stranger or tranſient Perſon, ſhall forfeit and pay to the Treaſurer of ſuch Town, the Sum of *Ten Shillings per Week*, for every Week he or they ſhall harbour, entertain, hire, or let ſuch Eſtate to ſuch Perſon.

No perſon to hire ſuch, &c. without giving bond.

Penalty.

And if any ſuch Stranger or tranſient Perſon ſhall, contrary to the Intent of this Act, make his or her Abode within any Town in this State, every ſuch Perſon ſhall forfeit and pay to ſuch Treaſurer *Ten Shillings* per Week, for every Week that he or ſhe ſhall continue in ſuch Town, after Warning given to him or her, by order of the Select-men of ſaid Town; or upon their Requeſt, by Warrant from Authority to depart ſuch Town, (which Warning the Select-men are impowered to order, or give:) And the ſaid Authority, on Requeſt as aforeſaid, is impowered to iſſue a Warrant to the Conſtable, to warn ſuch Perſons to depart, as aforeſaid.

Tranſient perſons being warned out, to depart, on penalty, &c.

And when any ſuch Stranger or tranſient Perſon, who ſhall be convicted of the Breach of this Act, and hath no Eſtate to ſatisfy the Fine, ſuch Perſon ſhall be whipped upon his naked Body, not exceeding Ten Stripes; unleſs he or ſhe depart the Town within Ten Days next after Sentence given, and reſide no more therein without Leave of the Select-men.

If unable to pay, to be whipt.

Any one Aſſiſtant or Juſtice of the Peace, to hear and determine the Breach of this Act.

*Be it further enacted by the Authority aforeſaid*, That whoſoever ſhall entertain ſuch Stranger or tranſient Perſon or Perſons, for the Space of Four Days, and the ſaid Perſon ſhall, when ſo entertained, be reduced by Sickneſs, or other Accident, to neceſſitous Circumſtances, whereby he, ſhe or they ſhall want Relief, the Perſon ſo entertaining ſuch Stranger or tranſient Perſon or Perſons, ſhall ſupport and ſuſtain the Charge thereof; excepting only when the Perſon entertaining as aforeſaid, hath within the ſaid Four Days, given ſufficient Notice thereof to the Select-men of the Town; in which Caſe, if the Select-men do not uſe proper Methods to ſave the Town from Charge, then it ſhall be defrayed by ſuch Town.

When ſick, how ſupported.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons

Penalty on persons selling land, &c.

sons within any Town in this State, shall sell or convey any Land to any Person or Persons, who contrary to this Act, would under Colour of such Purchase, make his, her or their Abode in such Town; he or they selling as aforesaid, shall for every such Offence, forfeit and pay as a Fine, the Sum of *Ten Pounds*; one Moiety to the Town Treasury where such Land lies, and the other Half to him who shall complain of and prosecute the same to Effect.

Civil authority to order vagrants to depart.

*And be it further enacted by the Authority aforesaid*, That the civil Authority, when and so often as there shall be Occasion in any Town, shall be, and they are hereby impowered to order any Vagrant, suspected or transient Person or Persons to be sent back, from Constable to Constable, to the Town, Place or Places from whence he, she or they came; unless such Person or Persons produce good Certificates of their good Behaviour, and Freedom from all Engagements, and that they are at Liberty to remove themselves as they shall see meet.

And that said Authority may in like Manner remove any Stranger or transient Person or Persons who shall neglect or refuse, or be unable to depart such Town after Warning given, as before in this Act is provided.

Returning, to be whipt.

And if any such Persons shall return after such sending back, as aforesaid, and abide and continue in said Town from whence sent, after Warning given them to depart, they shall be whipt on the naked Body, not exceeding ten Stripes; and may again be sent and dealt with as aforesaid, as often as there shall be Occasion.

Selectmen to prosecute, &c.

And the Select-men in the respective Towns in this State, are hereby impowered and directed to prosecute all Breaches of this Act.

Persons may remove from one town to another, &c.

*And be it further enacted*, That any Inhabitant of any Town within this State, may, for the better Support of himself or Family, have Liberty to remove with his Family into any other Town in this State, and continue there without being liable to be removed, provided such Person procure a Certificate in Writing, under the Hands of the civil Authority in and Select-men of the Town from whence he removes, that he is a legal Inhabitant in that Town, and lodge the same with the Clerk of the Town to which he removes. And in Case such Person or any of his Family, stand in Need of Relief from said Town, he or they shall be supported at the Cost of the Town where such Person was settled and obtained a Certificate as aforesaid; and may be returned back to such Town, provided such Person hath not been admitted an Inhabitant, or gained a Settlement, as before in this Act is provided, in any other Town, after such Certificate was given.

Proviso.

When chargable, how supported.

*Provided nevertheless*, That Persons coming to reside in any Town as aforesaid, they and their Estates shall be as liable to be taken under the Care of the Select-men of the Town where they dwell, for Mismanagement, Idleness or bad Husbandry, agreeable to the Law in that Case provided, as if they had a legal Settlement in such Town; and nothing in this Act shall be construed to hinder such Towns from ridding themselves of any Vagrant, or Persons whom such Town, or the Authority therein, or the Select-men thereof shall judge to be of disorderly, ungoverned or vicious Conversation.

No person without certificate, may abide, &c.

*And be it further enacted*, That any Inhabitant of any Town in this State, who shall go to reside in any other Town in this State, without having a Certificate as aforesaid, may be removed and sent back to the Town to which he or she belongs, in like Manner as is before provided in this Act for the Removal of any Stranger, or transient Person: Provided such Person shall not have continued in such Town one Year before Warning given to depart, or one Year after such Warning, without being prosecuted as aforesaid.

And

# An Act for the equal Division and Distribution of Insolvent Estates.

Insolvent estates to be equally divided, &c.

except.

BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That when the Estate of any Person deceased shall be insolvent, or insufficient to pay all the just Debts which the Deceased owed, the same shall be sold, and the Avails thereof be divided and distributed to and among all the Creditors, in Proportion to the Sums to them respectively owing, so far as the Estate will extend, saving that the Debts due to this State, and for Sickness, and necessary funeral Charges of the Deceased, are to be first paid.

Executor or administrator's duty, &c.

And the Executor or Administrator appointed to administer on any such insolvent Estate, before Payment be made to any Person, (except as before excepted) shall represent the Condition and Circumstances thereof unto the Judge of the Probate of Wills and granting of Administrations, who shall nominate and appoint two or more fit and indifferent Persons, to make a true and equal Appraisement of such Estate, and administer the Oath by Law prescribed to them for that Purpose; and shall also nominate and appoint two or more fit Persons to be Commissioners, with full Power to receive and examine all the Claims of the several Creditors, and how they are made out and evidenced; which Commissioners shall be sworn according to Law, and cause the Times and Places of their Meetings for attending the Creditors, in order for the receiving and examining of their Claims, to be made known and published, by setting up or posting Notifications thereof in some public Places in the Town where such deceased Person last dwelt; and also by advertising the same in one or more of the public News-Papers in this State, and any further Notice that the Court of Probate may order: And the said Judge of Probate shall allow six, ten or eighteen Months (as the Circumstances of the Estate may require) for the Creditors to bring in their Claims and prove their Debts: At the End of which Time limited as aforesaid, such Commissioners shall make their Report, and present a List of all Claims to such Judge, who shall order them a meet Recompence out of the Estate for their Care and Labour in that Affair.

Commissioners to be appointed, &c.

If on report of commissioners the estate proves insolvent, how to proceed.

And if on the Report of the Commissioners, such Estate shall appear to be insolvent, the Judge of Probate to whom such Report is made, shall order and set out to the Widow of the Deceased (if any be) such necessary Houshold Goods as are mentioned in the Law, entitled, "*An Act for directing and regulating the levying and serving Executions*," to be exempted from Execution; which Goods so set out, shall be her own Property. And the Judge shall also order the Widow's Dower to be set out according to Law: And the Residue and Remainder of said Estate, both real and personal (including that set out for the Widow's Dower, and under the Incumbrance of her holding it for Life) the Judge of Probate shall order and direct the Executor or Administrator, or Executors or Administrators appointed to administer on such Estate, to sell in such Way and Manner as the Judge shall appear safest and most for the Benefit of the Creditors. And such Executors and Administrators, being so ordered and directed, shall have full Power and Authority, and they are hereby authorized and empowered to make Sale thereof, and to make and execute legal and proper Conveyances to the Purchasers, which shall be good Evidence in Law for their holding the same accordingly. And such Sales being made, the said Executors and Administrators shall render Account to the Judge of Probate of the Amount thereof, and the Monies arising thereby. And the Judge shall thereon order full Payment to be made of the Debts due to this State, and for Sickness, necessary funeral Expences, and incident Charges of setting and selling the Estate: And the Residue to be paid to the several

Creditors who have made out and evidenced their Claims according to the Directions of this Act, as aforeſaid, in Proportion to the Sums to them reſpectively owing.

Proviſo. *Provided always*, That notwithſtanding the Report of any ſuch Commiſſioners, or Allowances thereof made by the Court of Probate, it ſhall and may be lawful to, and for the Executors or Adminiſtrators aforeſaid, to conteſt the Proof of any Debt at the common Law.

No ſuit allowed, &c. And no Proceſs in Law (except for Debts due to this State, and for Sickneſs, and funeral Charges) ſhall be admitted or allowed againſt the Executors or Adminiſtrators of any inſolvent Eſtate, ſo long as the ſame ſhall be depending as aforeſaid.

Execution to be ſtayed, &c. And in Caſe Judgment ſhall be rendered againſt any Executors or Adminiſtrators of any inſolvent Eſtate, Execution thereon ſhall be ſtayed until ſuch Eſtate can be ſettled according to this Act: And the judgment Creditor ſhall take no more than his Proportion of the ſaid inſolvent Eſtate with the other Creditors; and in Caſe that be not paid on the Settlement of the Eſtate, ſuch Creditor ſhewing the ſame, and producing a Certificate of his Proportion, the Court ſhall order Execution on ſuch Judgment for no more than the Proportion aforeſaid.

Creditors not bringing in their claims, to be debar'd, &c. unleſs, &c And whatſoever Creditor ſhall not make out his or her Claims with ſuch Commiſſioners, before the full Expiration of the Time ſet and limited for that Purpoſe, as aforeſaid, ſuch Creditor ſhall forever after be debarred of his or her Debt; unleſs he or ſhe can ſhew or find ſome other or further Eſtate of the Deceaſed, not before diſcovered and put into the Inventory.

## An Act for conſtituting Judges and Juſtices of the Peace in this State, and for impowering and directing them in their reſpective Offices.

Judges of courts to be appointed, commiſſioned and ſworn. BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Judges of the Superior Court, and the Judges of the County Courts, and Courts of Probate which now are, or hereafter ſhall be erected and conſtituted in this State, being firſt appointed by the General Aſſembly of this State, ſhall be reſpectively ſworn to a faithful Diſcharge of their Office; and ſhall alſo be commiſſioned and authorized to the Execution of their reſpective Offices, by a Commiſſion ſigned by the Governor of this State for the Time being, and ſealed with the State Seal.

Juſtices in like manner. And that the Juſtices of the Peace in each County in this State, being firſt appointed by the General Aſſembly, ſhall alſo be commiſſioned in the Manner aforeſaid, to the Execution of ſuch Office; and ſhall be ſworn to a faithful Diſcharge of the ſame.

Their power and duty. And that the ſaid Judges and Juſtices of Peace, appointed, commiſſioned, and ſworn, as aforeſaid, ſhall be, and they are fully authorized and impowered to exerciſe and execute the Office, Duty, and Truſt to which they are or ſhall be appointed, commiſſioned and ſworn, as aforeſaid, to every Purpoſe and Intent, according to the Nature, End and Deſign of their reſpective Offices, according to the Laws of this State, for the common Good and Peace of the State, and the doing equal and ſpeedy Juſtice to the People therein: And all ſuch Commiſſions ſhall remain in Force till called in or ſuperſeded by Act of the General Aſſembly.

Gov. lieut. gov. & aſſiſtants to execute the office of a juſtice, &c *And be it further enacted by the Authority aforeſaid*, That the Governor, Lieutenant-Governor, and every Aſſiſtant in this State for the Time being, may, and hereby are fully authorized and impowered to exerciſe and execute the Office of a Juſtice of the Peace, in and throughout this State.

And

And that every Juſtice of the Peace ſhall have Authority to iſſue Proceſs, to be ſerved in any Part of the State, to apprehend and bring before him, any Perſon againſt whom Complaint is made for any criminal Offence, for which he ought to be brought before ſuch Juſtice for Trial or Examination; and may in like Manner grant Summons or *Capias* for Witneſſes in ſuch Caſes.

A juſtice to iſſue proceſs, &c.

And any Sheriff, Sheriff's Deputy, or Conſtable, to whom ſuch Proceſs, Summons, or *Capias* ſhall be directed by Name and Office, ſhall and may execute the ſame at any Place within this State, where the Perſon or Perſons againſt whom the ſame iſſued, are not to be found within the official Precinct of ſuch Officer. And the Authority granting ſuch Proceſs, Summon or *Capias*, if it be judged neceſſary, may direct the ſame to ſome ſuitable indifferent Perſon, who ſhall have the ſame Power to execute the ſame, and command Aſſiſtance, as Sheriffs and Conſtables by Law have to execute Warrants to them directed.

Sheriffs and Conſtables power extended, &c.

That whenever the Judge of any County Court ſhall be abſent out of this State, or be by Sickneſs, or otherwiſe unable to attend the Duty of ſaid Office, the ſenior Juſtice of the Quorum in ſuch County, who ſhall be preſent, and able to attend the Buſineſs, ſhall be inveſted with all the Powers and Authorities of Judge of ſaid Court, to all Intents and Purpoſes.

Judge of C. court being abſent, &c.

*And for preventing all Occaſions of partial and undue Proceedings in Courts, and avoiding Jealouſies that may ariſe concerning Judges and Juſtices:*

*It is further enacted by the Authority aforeſaid*, That in every Caſe of a Civil Nature, between Party and Party, where there ſhall be ſo near a Relation between any Judge or Juſtice, and any of the Parties, as between Father and Son, either by Nature or Marriage, Brother and Brother in like Kind; Uncle and Nephew; Landlord and Tenant; ſuch Judge or Juſtice ſhall have no Power to vote, or give Sentence therein.

In what caſe a judge or juſtice may not judge.

*And be it further enacted by the Authority aforeſaid*, That any one Aſſiſtant or Juſtice of the Peace ſhall have full Power, and they are hereby authorized and impowered to take and accept a Confeſſion and Acknowledgement of any Debt, from a Debtor to his Creditor; either upon, or without an antecedent Proceſs, as the Parties ſhall agree; which Confeſſion ſhall be made only by the Perſon of the Debtor himſelf: And on ſuch Confeſſion ſo made, the Aſſiſtant or Juſtice ſhall make a Record thereof, and thereon grant out execution in due Form of Law. And if ſuch Executions ſhall be levied on the Lands of any ſuch Perſon confeſſing, as aforeſaid, according to the Laws directing the levying Executions on Lands, the ſame ſhall be recorded in the Records of the Town wherein the Land is ſituate, and being ſo done and recorded, ſhall be a good Evidence of a Title to ſuch Creditor or Creditors for whom it ſhall be taken as aforeſaid, their Heirs and Aſſigns. *Provided*, No Confeſſion ſhall be made or taken in the Manner aforeſaid, for more than the Value of *Twenty Pounds*, Debt, and the Coſt of taking ſuch Confeſſion, or which may have ariſen on an antecedent Suit for ſuch Debt, the ſame being agreed to by Debtor and Creditor.

One aſſiſtant or juſtice may take a confeſſion, &c.

and grant out execution, &c

Proviſo.

[This Paragraph next above recited, was made and paſſed in the General Aſſembly held on the ſecond Thurſday in *May*, *Anno Domini*, One thouſand ſeven hundred and forty-two; with this Difference,—That in the Place of the Words, "*recorded in the Records of the Town wherein the Land is ſituate*," was inſerted theſe Words, "*returned to, and recorded in the Office of the Clerk of the County Court, in the ſame County where ſuch Land lieth.*"]

# An Act for providing and regulating of Jurors in Civil Actions.

Jury-men how & when choſen.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That the Civil Authority, Select-men, Conſtables and Grand-jury men in the ſeveral Towns hereafter in this Act named, ſhall ſome Time in the Month of *January*, annually, meet together; and when ſo met, ſhall chooſe to ſerve as Jury-men at the ſeveral Superior and County Courts, in that County to which ſuch Towns reſpectively belong, ſuch a Number of their able, judicious Freeholders as is hereafter in this Act preſcribed: Each of which Freeholders ſhall have a Freehold Eſtate, rated in the general Liſt at *Fifty Shillings*, or more.

Qualification of jurors.

Box to be provided.

And that in each of the ſaid Towns hereafter named, there ſhall be a Box provided at the Coſt of the Town, with a Lock to it, and lodged in the Town-Clerk's Hands; and when the Jury-men are choſen, as aforeſaid, the Town-Clerk ſhall write each Man's Name ſo nominated, on a Piece of Paper by itſelf; and put the ſeveral Names ſo written, in the ſaid Box, and keep the ſame locked in his Hands, that the ſaid Names may be drawn as hereafter provided.

Clerks to iſſue warrants to ſummon jury.

*Be it further enacted by the Authority aforeſaid*, That ſome convenient Time before the ſitting of the aforeſaid Courts, the Clerk of the Superior, and of the reſpective County Courts in this State, ſhall iſſue out Warrants, directed to either of the Conſtables of the ſeveral Towns hereafter named; or to ſome of them in the County in which the Court is to be held, to ſummon and warn ſo many able, judicious and lawful Freeholders of their Town as the Warrant directs, to attend and ſerve as Jurors at ſuch Court.

Jury when to attend.

And the Jurors for the Superior Court ſhall be ſummoned to attend at two of the Clock, on the firſt Day of the Seſſions of ſuch Court.

And the Jurors for the County Courts, ſhall be ſummoned to attend at eight of the Clock, on the third Day of the Seſſions of ſaid Courts.

Conſtables duty in drafting jury, &c.

And when any Conſtable ſhall receive any ſuch Warrant, to ſummon any certain Number of Jury-men to attend and ſerve as ſuch, at any of the ſaid Courts, he ſhall repair to the Town-Clerk, and in his Preſence, (or in his Abſence, in the Preſence of one of the Select-men of ſuch Town) draw out of the Box aforeſaid, the Number his Warrant directs him to ſummon, without ſeeing thoſe whoſe Names he draws before he draws them; and having ſo done, ſhall then proceed to ſummon thoſe Men for Jury-men whoſe Names he has ſo drawn.

Sick or abſent.

But if any or all of the Men whoſe Names are thus drawn, be at that Time either from Home or ſick, or otherwiſe unavoidably hindered from attending ſuch Court, his or their Name or Names ſhall be returned into ſaid Box and others in his or their Room, drawn and ſummoned in Manner aforeſaid.

Jury warrant to be timely returned.

And the Conſtable ſhall make timely Return of his Warrant, unto the Clerk that granted the ſame, with an Indorſement thereon, certifying whom he has ſummoned for the Purpoſe aforeſaid; on Pain that every Conſtable failing of his Duty therein, ſhall forfeit and pay to the County Treaſurer for the Uſe of the County, a Fine not exceeding *Thirty Shillings*, at the Diſcretion of the Judges of the Court; unleſs ſuch Conſtable ſhall ſeaſonably make his Excuſe to the Acceptance of ſaid Court.

Penalty on jurors for not appearing.

*Be it further enacted by the Authority aforeſaid*, That if any Jury-man choſen, drawn and ſummoned as aforeſaid, ſhall make Default of Appearance according to the Directions of ſuch Warrant, he ſhall forfeit and pay to the Treaſurer of the County wherein he dwells, the Sum of *Ten Shillings*; unleſs the Court on hearing his Excuſes made on his Behalf, ſhall judge them ſufficient.

And

Towns to chooſe jurors.

And the ſeveral Towns hereafter named, ſhall chooſe the Number of Jury-men to the Name of each Town annexed:

For *Hartford* County.

Hartford, Ten.
Eaſt-Hartford, Ten.
Wethersfield, Twenty.
Windſor, Ten.
Farmington, Twelve.
Middletown, Twelve.
Symsbury, Twelve.
Glaſſenbury, Ten.
Hebron, Ten.
Enfield, Eight.
Suffield, Eight.
Bolton, Eight.
Chatham, Eight.
Eaſt-Windſor, Ten.
Somers, Six.
Southington, Six.

For *New-Haven* County.

New-Haven, Twenty.
Wallingford, Nine.
Milford, Twelve.
Branford, Ten.
Guilford, Twelve.
Durham, Six.
Derby, Six.
Waterbury, Six.
Cheſhire, Six.
Woodbridge, Six.

For *New-London* County.

New-London, Fifteen.
Norwich, Fifteen.
Preſton, Fifteen.
Stonington, Fifteen.
Groton, Fifteen.
Lyme, Fifteen.
Say-Brook, Fifteen.
Killingworth, Fifteen.
Colcheſter, Six.

For *Fairfield* County.

Fairfield, Twenty.
Stratford, Twenty.
Norwalk, Twenty.
Stanford, Twelve.
Danbury, Twelve.
Newtown, Twelve.
Ridgfield, Six.
Greenwich, Ten.
Redding, Eight.
New-Fairfield, Six.

For *Windham* County.

Windham, Twelve.
Lebanon, Twelve.
Coventry, Twelve.
Plainfield, Twelve.
Canterbury, Twelve.
Pomfret, Twelve.
Voluntown, Twelve.
Aſhford, Twelve.
Mansfield, Twelve.
Woodſtock, Six.

For *Litchfield* County.

Litchfield, Twelve.
Woodbury, Twelve.
New-Milford, Nine.
Kent, Eight.
Sharon, Eight.
Salisbury, Eight.
Canaan, Eight.
Cornwall, Eight.
Goſhen, Eight.
Harwinton, Six.
New-Hartford, Six.
Torrington, Six.
Norfolk, Six.
Waſhington, Six.
Watertown, Six.
Wincheſter, Four.
Hartland, Four.

Names of towns, and the number of jurors in each.

And each of the other Towns in this State ſhall chooſe Six Jury-men.

Penalty on each town for neglecting to chooſe jury-men.

And if any of the ſaid Towns ſhall neglect or refuſe to provide ſuch Box, or the Officers aforeſaid ſhall neglect to chooſe ſuch Jury-men as herein provided, ſuch Town ſhall forfeit and pay to the Treaſurer of the County to which it belongs, the Sum of *Fifty Shillings*; to be recovered on Information made by the State Attorney of that County, to the County Court; in which Trial no Appeal ſhall be allowed.

Court to order the jury filled up, when the number is inſufficient.

*And be it further enacted by the Authority aforeſaid*, That if it ſhall ſo happen that a ſufficient Number of Jurors ſummoned, as aforeſaid, do not appear, or if by Reaſon of Challenges, or for other Cauſe, there ſhall not be a ſufficient Number of lawful Men to make up the Pannel or Pannels ordered by the Court to attend the ſame, the Court ſhall order the Jury or Juries to be made, or filled up, *de talibus Circumſtantibus*; or for want of ſuch, of any good and lawful Freeholders in the County; whoſe Names ſhall be returned by the Sheriff: And where the Sheriff is concerned, or related to either of the Parties in the Caſe, by the Conſtable, or ſuch Officer as the Court ſhall appoint: Which Jurors being ſo returned, ſhall attend the Service, on the Penalty above ordered, to be inflicted on thoſe who make Default of Appearance.

*And be it further Enacted*, That every Conſtable that ſhall ſummon ſuch

Jurors

Fees for ſummoning jury.

Where paid.

Jurors as aforeſaid, ſhall be allowed therefor (ſave only for Return of ſuch Summons) the ſame Fees for Travel and Serving, as are by Law allowed in Proceſſes in Civil Cauſes; to be paid out of the Country Treaſury of the reſpective Counties, where ſuch Jurors are to attend the County Courts; and out of the State Treaſury when ſuch Jurors are ſummoned to attend the Superior Court.

## An Act for remanding Perſons who have committed Crimes in other States, and to eſcape from Juſtice flee into this State.

Perſons convicted of crimes in other ſtates, not ſuffered to abide in this ſtate.

how proceeded with.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons that have been convicted of any Crime in any other State, for which Facts corporal Puniſhment might be inflicted if committed in this State, and (before he or they have received condign Puniſhment) ſhall eſcape, and flee into this State; or having committed any ſuch Crime, and being purſued by Order of Authority, to bring him or them to Juſtice; ſuch Offenders may be apprehended, by Order of the Authority: And if on Examination before lawful Authority, and Enquiry into the Matter, it ſhall appear that ſuch Perſon or Perſons have been convicted, and have eſcaped; or are flying from Proſecution as aforeſaid; he or they may be remanded back, and delivered to the Authority, or Officers of the State from whence ſuch Eſcape is made; in order that due and condign Puniſhment may be inflicted on ſuch Offenders.

Penalty.

Proviſo.

And in Caſe no ſuch Purſuit is made, any Aſſiſtant or Juſtice of the Peace, or the Select-men of the Town where ſuch Perſon reſides, may warn him to depart out of this State: And in Caſe ſuch Perſon ſhall continue in this State one Month after ſuch Warning, he ſhall pay a fine of *Five Pounds* for the Uſe of this State; and *Five Pounds* per Month for every Month that ſuch Perſon ſhall continue in this State after the firſt Conviction. Provided, that all Proſecutions on this Act, ſhall be within three Years next after ſuch Perſon eſcaping, as aforeſaid, came into this State.

## An Act (or Acts) about the tenure of Lands.

The tenure of our lands.

IT is ordered and enacted, by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That whatſoever Lands have been, or ſhall be granted by the General Aſſembly of this Colony, to the reſpective Townſhips, or to any particular Perſon or Perſons by the ſaid Aſſembly, or by particular Towns, ſhall be held to them their Heirs, Succeſſors and Aſſigns forever, according to the moſt free Tenure of *Eaſt-Greenwich*, in the County of *Kent*, in the Realm of *England* according to our Charter Grant.

[*This Act was paſſed the General Aſſembly*, October *the tenth*, One thouſand ſix hundred and ſeventy-two.]

Lands taken up to be in ſuitable forms.

*And it is further enacted by the Authority aforeſaid*, That all Grants of Land made to any particular Perſon or Perſons, not yet taken up and laid out, ſhall be taken up in one entire Piece, in a ſuitable Form, except by ſpecial Liberty from this Court: And that all former Grants that are, or ſhall be laid out by Order, ſhall be ſufficiently bounded, and ſo maintained, to prevent all future Trouble.

[*This Act was paſſed at the Seſſions of the General Aſſembly*, May *the eighth* One thouſand ſix hundred and ſeventy-three.]

And

*And that every Townſhip's Grants of Lands, as they have been obtained by Gift, Purchaſe, or otherwiſe, of the Natives, and Grant of this Court, may be ſettled upon them, their Heirs, Succeſſors and Aſſigns for ever, according to our Charter, granted by His late Majeſty of happy Memory.*

*Be it further enacted by the Authority aforeſaid*, That every Town in this Colony, ſhall take out Patents for their ſaid Grants, of the Governor and Company; which this Court doth hereby order, ſhall be granted to them, for the holding of ſuch Tracts of Land as have been formerly, or ſhall be hereafter granted to them by this Court, and to their Heirs, Succeſſors and Aſſigns, firm and ſure, according to the Tenure of our Charter, in free and common Soccage; and not in Capite, nor by Knight Service; which Patents ſhall be ſealed with the Seal of the Colony, and ſigned by the Governor, and by the Secretary, in the Name of this Court, and entered upon Record: Which Patent, or a Record thereof, ſhall be a ſufficient Evidence for all and every Townſhip that hath the ſame, to all Intents and Purpoſes for the holding the ſaid Lands firm to them, their Heirs, Succeſſors and Aſſigns for ever: The like Courſe may be taken for all Farms granted to any Perſon or Perſons whatſoever within this Colony.

Every town to take out a patent.

[*The Act next above recited was paſſed in the General Aſſembly*, May *the fourteenth*, One thouſand ſix hundred and eighty-five.]

*And for ſecuring Eſtates given to charitable Uſes:*

*Be it enacted and ordained by the Authority aforeſaid*, That all ſuch Lands, Tenements, Hereditaments and other Eſtates, that either formerly have been, or hereafter ſhall be given and granted either by the General Aſſembly of this Colony, or by any Town, Village, or particular Perſon or Perſons, for the Maintenance of the Miniſtry of the Goſpel in any Part of this Colony, or Schools of Learning, or for the Relief of poor People, or for any other public and charitable Uſe, ſhall forever remain, and be continued to the Uſe or Uſes to which ſuch Lands, Tenements, Hereditaments or other Eſtates have been, or ſhall be given and granted, according to the true Intent and Meaning of the Grantors, and to no other Uſe whatſoever; and alſo be exempted out of the general Liſts of Eſtates, and free from Payment of Rates.

Eſtates given to charitable uſes, to remain to thoſe uſes.

Free from rates.

## An Act (or Acts) concerning Poſſeſſion of Houſes, Lands, &c.

*THIS Court being ſenſible of the great Trouble and Contention that doth and may ariſe in this Colony, by Reaſon of great Defects that are found in Records, and Alienations of Houſes and Lands; that due Form of Law not being lawfully attended, which is requiſite in ſuch Affairs:*

For the Prevention whereof, and that future Trouble may be avoided, and that Righteouſneſs and Juſtice may be maintained:

Preamble.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That what Perſon or Perſons ſoever, that hath either Himſelf, his Grantee, or Aſſigns, ſtood poſſeſſed in his or their own proper Right in Fee Simple, of any Houſes or Lands within this Colony, without being interrupted by any Perſon or Perſons laying Claim thereunto, and proſecuting their Claim in due Form of Law, ſome Time betwixt the Publication thereof, and the laſt of *November*, *One thouſand ſix hundred and ſixty-eight*; ſuch Perſon or Perſons ſo poſſeſſed of any Houſes, Parcel or Parcels of Land, as aforeſaid, have Power to enter and record the ſame to him or themſelves, and his or their Heirs and Aſſigns forever, in the Book of Records of that Town where the ſaid Houſes and Lands lies, paying a meet Recompence to the Recorder for his Pains; and a Record

Perſons having poſſeſſed any eſtate from, &c.

under

under the Recorder's Hand, and one of the Select-men of that Town, and an Assistant or Justice of the Peace, shall be a sufficient and legal Evidence to all and every Person and Persons that shall have the same, to all Intents, Ends and Purposes, for the holding of the same firm to him or them, his or their Heirs and Assigns for ever.

Proviso. *Provided*, This Law includes not Orphans under Age, Proprietors in foreign Parts, who possibly may be incapacitated to make good their Claims within the fore-mentioned limited Time.

[*This Act was made* May *the ninth*, One thousand six hundred and sixty-seven.]

*And for quieting of Men's Estates, and avoiding of Suits:*

Time limited for making entry on land, &c. *It is enacted and ordained by the Authority aforesaid*, That no Person or Persons that now have any Right or Title of Entry into any Lands, Tenaments or Hereditaments within this Colony, now with-held from him or them, shall thereinto enter, but within three Years after the tenth of *June* next, or within fifteen Years next after any other Title of Entry accrue; and that no Person or Persons shall at any Time hereafter make Entry into any Lands, Tenements, or Hereditaments within this Colony, but within Fifteen Years next after his or their Right or Title, which shall hereafter first descend or accrue to the same; and in Default thereof, such Persons so not entering, and their Heirs, shall be utterly excluded and disenabled from such Entry after to be made.

Or be forever debarred. And that all such Persons as have had Right or Title of Entry into, or Cause of Action for any Lands, Tenements, or Hereditaments within this Colony, hitherto detained from him or them, since the ninth of *May*, *One thousand six hundred sixty and seven* past, and till the tenth of *June* next, and neglected hitherto to make his or their Entry, and to sue out to effect, his or their said Right or Title, shall forever hereafter be utterly excluded and disenabled from such Entry or Suit to be made; any former Law, Usage or Custom to the contrary notwithstanding.

Proviso. *Provided nevertheless*, That if any Person or Persons that is or shall be entitled to, or that hath, or shall have such Right or Title of Entry into any Lands, Tenements, or Hereditaments in this Colony, be, or shall be at the Time of the said Right or Title first descended, accrued, come or fallen within the Age of Twenty-one Years, *Feme Covert*, *non compos Mentis*, imprisoned or beyond the Seas, that then such Person and Persons, and his and their Heir and Heirs, shall or may, notwithstanding the said three Years or the said fifteen Years be expired, bring his Action, or make his Entry as he might have done before this Act. So as such Person or Persons, or his or their Heir or Heirs, shall within five Years next after his or their full Age, Discoverture, or coming of sound Mind, Enlargement out of Prison, or coming into this Country of *New-England*, or Territory of *New-York*, or Death, take Benefit of, and sue forth the same, and at no Time after the said five Years.

[*The above Act was made* May *the eighth*, One thousand six hundred and eighty-four.]

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*HERE follows divers other Acts about Lands, and the Titles thereto, with their several Dates, and the Times of their being made*, viz.

At a General Assembly holden at *New-Haven*, the eleventh Day of *October* Anno Domini, *One thousand seven hundred and sixteen.*

An

## An Act for impowering the Courts of Probates to appoint meet Perſons in dividing real Eſtates, when no Perſon is appointed by Will; or when thoſe appointed refuſe or neglect to make a Diviſion.

*WHEREAS it ſometimes happens that real Eſtate given by Will, is ordered by the Teſtator to be divided amongſt two or more Legatees, and no Perſon appointed in ſaid Will for the dividing thereof; or the Perſon appointed may neglect or refuſe to make the ſaid Diviſion, or die before he hath made the ſame.* Preamble.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when and as often as it ſo happens in either of theſe Caſes, it ſhall and may be lawful for the Court of Probate in the County where ſuch real Eſtate is, to appoint three Freeholders to make a Diviſion thereof according to ſuch Will, as the Law provides for the dividing Inteſtate Eſtates. Courts of probate to appoint three freeholders to divide real eſtates.

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At a General Aſſembly holden at *Hartford*, on Thurſday the ninth Day of *May*, Anno Domini, *One thouſand ſeven hundred and ſeventeen.*

## An Act concerning Purchaſes of Native Rights to Land.

*THIS Aſſembly obſerving many Difficulties and Perplexities ariſing in this Government, by Reaſon of many Purchaſes of Land made of Indian Titles, without the preceeding Allowance, or ſubſequent Approbation of this Aſſembly:* Preamble.

Which to remove;

*IT is hereby Enacted and Declared by this Aſſembly, and the Authority thereof,* That no Title to any Lands in this Colony can accrue by any Purchaſe made of Indians, on Pretence of their being Native Proprietors thereof, without the Allowance or Approbation of this Aſſembly. No title from Indian purchaſe, unleſs, &c.

*And it is hereby Reſolved,* That no Conveyance of Native Right, or Indian Title, without the Allowance or Approbation of this Aſſembly, as aforeſaid, ſhall be given in Evidence of any Man's Title, or pleadable in any Court. Indian title not pleadable in any court.

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At a General Aſſembly held at *New-Haven*, the ninth Day of *October*, Anno Domini, *One thouſand ſeven hundred and eighteen.*

## An Act for the preventing unlawful Entries upon, and Alienations of the vacant Lands.

*FORASMUCH as divers Perſons have preſumed to enter upon, Improve, Diſpoſe, and make Sale of divers Tracts of Land within the Bounds of this Colony, and belonging to the Governor and Company of the ſame, by Grant from the Crown of* Great Britain, *under Pretence of their having a Right and Property in the ſaid Lands, without any legal Conveyance thereof firſt obtained from this Corporation; whereby many Perſons have been greatly defrauded, that Diſorders occaſioned, divers Quarrels excited, very conſiderable Charge has been, and now is like to be brought upon the Government, and the orderly Settlement of Plantations fruſtrated; Which Miſchiefs are likely to continue, and increaſe, unleſs ſufficient Remedy be provided.* Preamble.

Penalty of 10l. on any perſons who enter on lands before a legal conveyance.

*BE it therefore enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whatſoever Perſon or Perſons ſhall under any pretence enter upon any Part of ſaid Land, claiming Right, or improve, diſpoſe of, and alienate any Tract or Parcel thereof, before he or they ſhall obtain a legal Conveyance from this Corporation of the ſame, ſhall incur the Penalty of *Ten Pounds* for every ſuch Offence: To be recovered in any of the Courts of common Pleas within this Colony; one Moiety of which Penalty ſhall be to the Treaſury of the Colony, and the other Moiety to him or them who ſhall proſecute the ſame to effect.

Or having already entered, &c. the like penalty.

And whatever Perſon or Perſons have entered claiming, and improved any Part or Parcel of ſuch Land, and ſhall continue ſo to do, at any Time after one Year next enſuing the End of the preſent Seſſions of this Aſſembly ſhall be expired, ſhall incur the like Penalty for every ſuch Offence: To be recovered and diſpoſed of in like Manner; and ſo, as often as any of the ſaid Offences ſhall be committed.

Entry and poſſeſſion not make a title.

*And it is hereby further declared and enacted,* That no Perſon or Perſons ſhall be taken, or eſteemed by any Entry or Poſſeſſion whatſoever, to make to him or them a Title to any public Lands, or ſuch as have not been legally conveyed by the Governor and Company of this Colony.

Proviſo.

*Always provided,* Nothing in this Act be conſtrued to reſpect any Lands in any Townſhip within this Colony, except in the Townſhip of *Aſhford.*

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At a General Aſſembly held at *New-Haven,* the eighth Day of *October* Anno Domini, *One thouſand ſeven hundred and nineteen.*

## An Act for preventing great Inconveniencies which may happen by the loſs or uncertainty of the Bounds of Land.

Proprietors having loſt their bounds, 3 freeholders to be choſen, and ſworn to ſet up and fix the bounds, &c.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when the Proprietors of adjoining Lands, have loſt their Bounds, and connot agree to the fixing of them, upon Application made by One or more of ſaid Proprietors to an Aſſiſtant or Juſtice of the Peace, ſuch Aſſiſtant or Juſtice of the Peace (notice being firſt given to the Proprietors concerned in the ſaid Land that they may be heard, if they ſee cauſe) ſhall appoint Three Free-holders, being Perſons diſintereſted; which Free-holders, or any Two of them being firſt ſworn by the ſaid Aſſiſtant or Juſtice of the Peace, to act with impartiality therein, ſhall have power, and are hereby impowered, to ſet up and fix ſuch bounds between them; and the Bounds which ſhall be fixed, ſhall be entered in the Records of the Town where ſuch Lands lie, and remain the Bounds of ſuch Lands; and the whole Charge that ſhall ariſe by the ſettling ſuch Bounds as aforeſaid, (ſhall being allowed by the Aſſiſtant or Juſtice of the Peace) be recovered if need be, by Diſtreſs granted by the ſaid Aſſiſtant or Juſtice, againſt ſuch Proprietor or Proprietors as ſhall make Application as aforeſaid.

Proviſo.

*Provided nevertheleſs,* That if any ſuch Proprietor or Proprietors of Land be diſſatisfied with the Bounds ſo fixed, nothing in this Act or the Proceedings thereon, ſhall be underſtood to hinder ſuch Proprietor from bringing any Action whatſoever, for the maintaining of his Right to, or recovering the Poſſeſſion of ſuch Land, as by the ſetting up ſuch Bounds aforeſaid, ſhall be taken or with-held from him.

*Provided alſo,* That when the Bounds ſo ſet up ſhall happen to take [in] Land

Land from any Proprietor, which he has for any Time held Poſſeſſion of gainſt the other Proprietor; nothing in this Act, or any Thing done herein, ſhall be taken to diſſeize ſuch Poſſeſſor, but whenſoever any Action s brought againſt ſuch Poſſeſſor, by the other Proprietor, to recover from im Poſſeſſion of ſaid Land; if ſuch Poſſeſſor ſhall not prove upon the Trial, that the Bounds, or Line which he Claims to hold to, are the juſt nd true Bounds, Judgment in the ſaid Action ſhall be given for the ſaid Proprietor to recover the Poſſeſſion, according to the Bounds ſet up as foreſaid. Proviſo.

*And it is further enacted by the Authority aforeſaid*, That the ſaid Three Free-holders ſhall take this following Oath, *Viz.* Freeholders to take an oath.

YOU *A. B.* and *C.* being appointed to renew, revive, and ſet up Bounds between the Land of *D. E.* and *F. G.* at ccording to the true, real, and juſt Right of the ſaid Parties: You and ach of you do ſwear by the Name of the Everliving GOD, that having eard the Pleas of the ſaid Parties, and Evidences given in by them rela- ing to the ſaid Bounds; all Prejudice and Partiality being laid aſide, you ill erect the ſaid Bounds according to the true and juſt Right of the ſaid arties, by your beſt Skill and Judgment. *So help you God.* The form.

## An Act concerning Witneſſes to Wills.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled and by the Authority of the ſame*, That no Wills or Teſtaments earing Date at any Time after the firſt Day of *January* next enſuing the nd of the preſent Seſſions of this Aſſembly, wherein there ſhall be any De- iſe or Deviſes of real Eſtate, ſhall be held good and allowed for any ſuch eviſe or Deviſes, if they are not witneſſed by Three Witneſſes; all of hem ſigning in Preſence of the Teſtator. Wills to be witneſſed by three witneſſes, in preſence of the teſtator, or elſe void, as to deviſes of real eſtate.

At a General Aſſembly held at *Hartford*, the twelfth Day of *May*, Anno Domini, *One Thouſand ſeven Hundred and twenty.*

## An Act to enable Guardians to divide Lands, &c.

*WHEREAS there are many Parcels of Land in this Government, which have been, and ſtill are held by ſeveral Perſons in Partnerſhip, or as Tenants in Common, or in Joint-Tenancy: And it hath often ſo fallen out, that one of the Partners or Tenants have died before any Diviſion hath been made, and their Heirs left to Inherit ſuch Lands, being Minors; whereby the ſurviving Partners or Tenants are hindred in their Improvement.* Preamble.

Which to prevent:

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Guardians of all Minors ſhall, and are hereby (with the Aſſiſtance of ſuch Perſons as the Court of Probate ſhall for that end appoint) fully impowered to make Diviſion of any ſuch Land with the ſurviving Partners or Tenants, as fully and amply as the original Partners and Tenants might or could have done: And all ſuch Minors, their Heirs and Aſſigns ſhall be firmly bound and concluded by any ſuch Diviſion made by their Guardians. Guardians to minors to make diviſion of lands with ſurviving partners.

And the ſeveral Courts of Probate are hereby directed, upon the Application of ſuch Partner or Tenant, or Guardian to any Minor, to appoint ſuitable Perſons to aſſiſt ſuch Guardians in making Diviſion as aforeſaid. Court of probate to appoint perſons to aſſiſt guardians, &c.

All perſons, &c.

And all Perſons having Right in any ſuch Land, upon ſuch Appointment, ſhall forthwith come to a Diviſion of the ſame.

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At a General Aſſembly held at *New-Haven*, the thirteenth Day of *October*, Anno Domini, *One thouſand ſeven hundred and twenty.*

## An Act for the Partition of Lands, &c.

Lands held in partnerſhip to be divided by writ of partition.

*BE it enacted by the Governor, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,* That all Perſons having or holding; or that ſhall at any time hereafter have or hold any Lands, Tenements, or Hereditaments as Coparceners, Joint-Tenants, or Tenants in Common, may be compelled by Writ of Partition to divide the ſame, where the Partners cannot agree to make Partition among themſelves.

Proviſo.

*Provided always,* That this Act extend not to Town-Commons or ſequeſtered Lands.

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At a General Aſſembly held in *New-Haven* on the eleventh Day of *October*, Anno Domini, *One thouſand ſeven hundred and twenty two.*

## An Act for preventing Treſpaſſes on the Lands of this Colony, by illegal Purchaſes thereof from the Indians.

Preamble.

*WHEREAS this Aſſembly have been informed, that notwithſtanding the ancient Laws of this Colony to the contrary, ſome Perſons have pretended to purchaſe of Indians their Rights as Natives, of many conſiderable Tracts of Land lying within this Colony: And although all ſuch Deeds when obtained without the Leave and Conſent of this Aſſembly, are by the ſaid Law declared to be* ipſo facto, *void. Yet under colour of ſuch Deeds, Perſons unacquainted with the ſaid Laws may be impoſed upon, deceived, and greatly wronged, as well as the Settlement of ſuch Lands in Plantations, purſuant to the End expreſſed in our Charter, hindred.*

For the prevention whereof:

Penalty of 5ol. to preſume to purchaſe land of Indians.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall preſume to purchaſe any Lands within the Bounds of this Colony, of any Indians whatſoever, without the Leave of this Aſſembly hereafter firſt had and obtained, under colour or pretence of ſuch Indians being the Proprietors of ſaid Lands by a Native Right; or ſhall having purchaſed of any Indians, Lands in ſuch manner, without leave of this Aſſembly firſt had, or the Confirmation of this Aſſembly afterwards obtained, preſume to make any Sale of, or any Settlements upon any Lands ſo purchaſed, every Perſon who ſhall in any ſuch manner tranſgreſs, and be thereof convicted in the County Court, or in the Superior Court of that County where ſuch Lands ſhall lie, ſhall incur the Penalty of *Fifty Pounds* to the Treaſury of this Colony.

Perſons who are wronged by ſuch ſales, to receive treble damages.

And whatſoever Perſon or Perſons ſhall ſuffer any wrong by Means of ſuch Sale or Settlement, as aforeſaid, ſhall recover in either of the ſaid Courts, upon Proof of ſuch wrong by him ſuffered, Treble Damages againſt the Perſon or Perſons ſo wronging of him.

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At a General Assembly held at *Hartford*, the ninth Day of *May*, Anno Domini, *One thousand seven hundred and twenty-three.*

## An Act for the better eſtabliſhing and Confirmation of the Titles of Land anciently obtained in Townſhips, according to the manner or cuſtom heretofore uſed; and for preventing contentions about the ſame.

*WHEREAS it was anciently cuſtomary for Towns to be ſettled, and the Lands in them contained, to be diſpoſed of by Diviſion, or otherwiſe, to particular Perſons, or ſpecial uſes by the Inhabitants of the ſaid Towns in Town-Meeting aſſembled; after which cuſtom or manner, particular Perſons obtained to themſelves certain Quantities of the ſaid Land, which they held and diſpoſed of as their own proper Eſtate of Inheritance; and other Quantities, or Parcels of the ſaid Land in ſuch Towns which remained in common, without being divided or diſpoſed of to any Perſon or Uſe whatſoever, were ſtill conſidered and allowed to be in the diſpoſition of the ſaid Inhabitants aſſembled in ſuch Town-Meetings, by the major Vote of thoſe preſent.* Preamble.

*And whereas it was afterwards thought needful that the Properties and Eſtates obtained in the aforeſaid Manner or Cuſtom within our Townſhips, ſhould be confirmed to the ſeveral Proprietors of them, and ratified by Deeds or Patents under the Seal of this Colony, to them and their Heirs forever, (inaſmuch as His Majeſty King* CHARLES *the Second, had under the Great Seal of* England, *granted the whole Tract of Land, comprehending ſaid Townſhips, to the Governor and Company of this Colony) that the Proprietors of ſuch Eſtates ſo obtained and held by vote and conſent of ſuch Towns in their Meetings, might be thereby furniſhed with unconteſtible Evidence of their having and holding the ſame under the Crown of* Great-Britain.

*By means of which Deeds or Patents ſo granted to ſuch Perſons, who were alſo according to the ancient cuſtom or manner of diſpoſing Lands in our Town-Meetings, the true and lawful Owners and poſſeſſors of ſuch Eſtates, the ſaid Lands which they held in ſuch owns, either in ſeveralty or in common, became both by cuſtom, and Seal of this Colony, an undoubted lawful Eſtate of Inheritance, them and their Heirs; and the undivided and common Lands in ch Town, ſuch Proprietors might have divided immediately among emſelves, or otherwiſe diſpoſed of agreeably both to the ancient ſtom, and the Title ratified and confirmed by the ſaid Deeds or Pa- nts, and not ſuffered any other Perſons to have Part in them or Right or Title to vote or act in the dividing or diſpoſing of ſuch mmon Land.*

*And whereas notwithſtanding the ſaid Deeds or Patents obtained, Proprietors of ſuch Common Lands, who had according to the cient cuſtom ſuch an Eſtate in them, that they might divide them ong themſelves, or otherwiſe diſpoſe of them; and had alſo ob- ned by Patent a Grant and Confirmation of the Eſtate which*

they

*they had in thoſe common Lands, as well as in their particular Properties, to themſelves and their heirs forever, by Virtue of which they had juſt Power and Right to act and do by way of dividing or diſpoſing of ſuch common Lands without ſuffering any other Perſons who ſhould afterwards become Inhabitants of the ſaid Towns, to be concerned and act with them therein; the ſaid Proprietors did for a conſiderable number of Years in many of our Towns, truly conſent and agree that the ſaid common Lands might in whole or in part be actually divided or diſpoſed of by the major Vote of the Inhabitants of ſuch Towns in Meeting aſſembled, and did themſelves act and vote with others in ſuch Town Meetings, in the dividing and diſpoſing of ſuch common Lands, by means of which Acts and Votes many Perſons have obtained particular Eſtates to themſelves, which if they ſhould be called in Queſtion and defeated becauſe not obtained by the ſole Act of the ſaid Proprietors, would be contrary to the true intent and meaning of the ſaid Proprietors, and prove very prejudicial to thoſe Perſons or their Heirs, who have been brought into them with the real Conſent of the ſaid Proprietors, by which real Conſent, ſaid Proprietors and all that hold under them, ought to be eſtopped and barred againſt all Pretenſions or Pleas of Right which they may alledge to the contrary.*

Grants, &c. of Lands, heretofore made at town meetings, to be good and valid.

*BE it therefore enacted by the Governor, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,* That all ſuch Grants, Diviſions, or Diſpoſitions of ſuch common Lands, made according to ancient Cuſtom in any Town Meetings, ſhall be held and taken to be good and lawful, to all Intents, and as effectual in Law as if the full and ample Conſent of the ſaid Proprietors had been in any other Way than by ſuch their Acting or real Conſent obtained; and all Eſtates in Land obtained and holden in ſuch Manner by the Votes and Acts of Town-Meetings, as well ſince as before the Confirmation of the Proprietors in ſuch Towns, in their Eſtates there, by Patent under the Seal of this Colony, as aforeſaid, are hereby declared to be.

*And it is hereby Enacted,* That they ſhall be accepted and taken to be good and lawful Eſtates to ſuch as ſo have and hold them, as they might or could be if the conſent of the ſaid Proprietors in the granting of them could be proved under the Hand and Seal of ſuch Proprietors.

And to be held ſuch, as if, &c.

*And it is hereby alſo further Declared and Enacted,* That whatſoever Part or Intereſt the aforeſaid Proprietors, by Cuſtom as well as Deed, have in any common or undivided Lands in any Towns, which they have not by their free Conſent as before expreſſed, or otherwiſe diſpoſed of, or ſuffered to be divided or diſpoſed of, is and ſhall be allowed, and taken to be their proper Eſtate: And that no Perſon whatſoever by becoming an Inhabitant of ſuch Town, or by any other Means againſt or without the Conſent of ſuch Proprietors, ſhall be taken or eſteemed to have any Eſtate, Title, Right or Intereſt therein.

Undivided Lands to belong to the proprietors.

And all ſuch Proprietors of any remaining common or undivided Lands in any Town or Place whatſoever, or ſuch as legally repreſent them, are hereby allowed to have their Meetings in ſuch reſpective Towns, to chooſe their Clerk, to enter and record their Votes and Doings, who ſhall be ſworn before an Aſſiſtant or Juſtice of the Peace: And all Records of their Votes and Doings, atteſted by him, be admitted as lawful Evidence. And the ſaid Proprietors in ſuch Meetings, ſhall have full Power (after the ancient Cuſtom and Manner in Towns) by their major Votes in ſuch their Meetings (to be reckoned according to their Intereſt in ſuch Common Land) to regulate, improve, manage and divide ſuch Common Land, in ſuch Manner and Proportion as they ſhall ſee good. *Provided*

*Provided*, That where the Proprietors in any Town have by any Vote of heirs upon Record in their Town, obliged themſelves to act for the future, n any other Method in dividing the undivided Land in ſuch Townſhips, ſuch Vote being the Act of ſaid Proprietors, ſhall be and remain valid and binding againſt ſuch Proprietors, and their Heirs; and the undivided Lands referred to in ſaid Vote, divided and held according to ſuch Vote; any Thing in this Act to the contrary notwithſtanding. Proviſo.

*Alſo provided*, That this Act, nor any Thing therein contained, ſhall not be taken to intend that any Power is given to any Proprietors to divide nd ſet out any Lands ſequeſtered for Towns Commons. Proviſo.

## An Act for enabling part of the Executors of Wills to ſell Lands deviſed to be ſold, where part of them refuſe Executorſhip.

*WHEREAS Lands and Tenements are by ſome Perſons in their laſt Wills and Teſtaments, deviſed to be ſold by their Executors after their Deceaſe, for payment of Debts, Legacies, or other Uſes.* Preamble.

*And whereas it ſometimes happens that Part of the Executors named by ſuch Teſtator, refuſe Executorſhip; whereby it becomes very difficult, if not impracticable to fulfil ſaid Wills; Part of ſaid Executors not having ſufficient Power in Law to ſell ſaid Lands ſo deviſed, as aforeſaid.*

For preventing all Diſputes and Controverſies that might hereafter ariſe concerning the Validity of ſuch Sales:

*BE it Enacted, Reſolved and Declared, by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Sales of any Lands or Tenements that have heretofore been made, or hereafter ſhall be made within this Colony, by any Executor or Executors, being Part of the Executors named by ſuch Teſtator, ſhall be as good and effectual in the Law, where Part of the Executors refuſe as aforeſaid, as if thoſe who ſo refuſe had joined in the Sale of ſuch Lands or Tenements. Sales of land by executors, good & valid, altho', &c.

*Provided*, This Act extend not to confirm any Sales of Lands or Tenements made, or that ſhall be made by any Executor or Executors otherwiſe than according to, and in Fulfilment of the Will of their Teſtator, allowed and approved in Court: But that all Sales, Alienations, Act or Acts of any Executor or Executors tending to the Prejudice or Deſtruction of the Right of any Legatees to any Lands or Tenements made otherwiſe, ſhall be and remain void, and of no Force in the Law, as they were before the making of this Act. Proviſo.

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At a General Aſſembly held at *New-Haven*, on the tenth Day of *October*, Anno Domini, *One thouſand ſeven hundred and twenty three.*

## An Act in addition to an Act, made and paſſed in the General Aſſembly held at *Hartford.* on the ninth Day of *May* laſt, intitled, "*An Act for the better Eſtabliſhing and Confirmation of the Titles of Land, anciently obtained in Townſhips, according to the Manner or Cuſtom heretofore uſed; and for preventing Contentions about the ſame.*"

*WHEREAS it is in ſaid Act provided*, 'That all ſuch Proprietors of any re-'maining Common or undivided Land in any Town or Place whatſoever,

" or

Preamble.

'or ſuch as legally repreſent them, are hereby allowed to have their Meeti
'in ſuch reſpective Towns, to chooſe their Clerk, to enter and record the
'Votes," &c.

*And whereas there is no Direction given in ſaid Act for their regular callin together ſuch Proprietors-Meeting:*

Five Proprietors may obtain a meeting to be called.

*IT is therefore enacted by the Governor, Council and Repreſentatives in G neral Court aſſembled, and by the Authority of the ſame,* That when an ſo often as any five (or more) of the Proprietors of ſuch Common, or und vided Lands ſhall judge a Proprietors Meeting to be neceſſary, they mak ing Application to an Aſſiſtant, or a Juſtice of the Peace within the Coun wherein ſuch Lands lie, for a Warrant for the calling of a Meeting of th Proprietors, expreſſing the Time, and Place, Occaſion, and Buſineſs o the Meeting: that ſuch Aſſiſtant, or Juſtice is hereby impowered to gra a Warrant for ſuch Meeting accordingly, directed to one of the Propri tors aſking the ſame; requiring ſaid Proprietors to warn all the Propri tors reſiding in ſaid Townſhip, of the Time, Place, and Occaſion for ſa Meeting, at leaſt ſix Days before ſaid Meeting; and alſo to ſet up a N tification in Writing, poſted up in ſome public Place under the Hand ſuch Aſſiſtant or Juſtice, at leaſt twenty Days before ſuch Meeting, togeth with the Time, Place, and Occaſion thereof; Which Warning and N tification made and given according to ſaid Warrant, ſhall be deemed ſuf cient Warning of a Proprietors Meeting according to ſaid Act.

Proprietors power to call their meetings.

And the Proprietors in any lawful Meeting ſo aſſembled, ſhall have fu Power to agree upon any other Way or Method for warning their ſa Meeting for the future, as they think fit.

Clerk to take an oath.

And the Proprietors Clerk ſhall take the following Oath.

The form of the oath.

WHEREAS you *N. C.* are choſen Clerk of this Propriety, Y ſwear by the Name of the ever-living GOD, that you will tru and faithfully attend and execute the Place and Office of a Proprieto Clerk for the ſaid Proprietors according to your beſt Skill, and ma Entry of all ſuch Votes as ſhall be made according to Law, and deli true Copies of the ſame when they ſhall be required of you, taking on your juſt Fees. *So help you God.*

## An Act for preventing the Sales of the real Eſtates Heireſſes, without their Conſent.

Preamble.

*WHereas in the firſt Settlement of this Colony, Land was of litt Value, in Compariſon with what it is now; by which Means became a general Cuſtom, that the real Eſtate of any Perſon, whi either by Deſcent or by Will, became the Eſtate of his Daughter whether they were ſeiſed of it at the Time of their Marriage; whether it deſcended or came to them during their Covertare, beca thereby the proper and ſole Eſtate of their Huſbands, and might be him alienated or diſpoſed of without the Knowledge or Conſent of ſu Wives; and a great Number of Eſtates having been thus ſettled, remain to this Day.*

*And whereas by Reaſon of the preſent Value, Uſefulneſs and Securi of real Eſtate, the ſuffering of ſuch a Cuſtom any longer to obtain wou be attended with much Inconveniency and Wrong, although for t Time paſs'd the Cuſtom which has obtained ought to be holden good*

Eſtates ſettled according to former cuſtom valid.

*BE it therefore enacted by the Governor, Council and Repreſentatives, in G neral Court aſſembled, and by the Authority of the ſame,* That all Eſta

which

which have been alienated and ſettled according to the ſaid Cuſtom ſhall be, and are hereby declared to be good and valid.

And that for the future, any real Eſtate, whereof any Woman at the Time of her Marriage is ſeized as her Eſtate of Inheritance, or does during ſuch Coverture, become ſo, either by deſcent or otherwiſe, ſhall not be alienable by her Huſband's Deed, without her Conſent, teſtified by her Hand and Seal to ſuch Deed and Acknowledgement of the ſame before an Aſſiſtant or Juſtice of the Peace.

Deeds of real eſtate from feme covert, without the conſent of her huſband,

And that all Sales or Alienations of ſuch Eſtate, whether abſolute or conditional, which ſhall hereafter be made without ſuch Conſent witneſſed and acknowledged, as aforeſaid, are hereby declared, and made to be *ipſo Facto*, void.

void.

*Provided nevertheleſs*, That if any Wife at the Time of ſuch Alienation of ſuch Eſtates to her belonging, did actually refuſe to give her Aſſent to ſuch Sale made by her Huſband, that then ſhe ſhall be underſtood and taken to hold the ſaid Eſtate; and neither ſhe, nor her Heirs ſhall be barred from Recovery of the ſame: *Provided*, They bring an Action for it within the Time limited by the Law, entituled, *An Act (or Acts) concerning Poſſeſſion of Houſes, Lands, &c.* any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

A proviſo.

Vide p. 111.

## An Act declaring the Exchange of Lands made by Towns or Proprietors, to be good and valid.

*WHEREAS ſome Perſons have in Time paſt, moved to ſeveral Towns in this Colony, to exchange Lands with them, for their particular Conveniency: And the Cuſtom hath been for the Town, in Compliance with their Motion, to uſe no other Formality therein, ſave only to make an Entry thereof, or of the Land given by them in Exchange, in the Records of the Town: And ſome are or may be ſo unjuſt as to retain or re-enter upon the Land propoſed by them to be given in Exchange, as aforeſaid, having other Lands in Lieu of them to them ſecured by the Grant or Record of the ſaid Town, as aforeſaid.*

Preamble.

Which Injuſtice to prevent:

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That whenſoever it ſhall appear on the Trial of any Caſe, that the Land in Controverſy was given, or ſurrendered up unto the Town, in Manner as aforeſaid, and other Lands ſecured to him or them by Grant and Record thereof, as aforeſaid, that he who makes Claim thereunto, ſhall be concluded thereby, and be eſtopped from pleading any precedent Title which he had thereunto; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Lands given in exchange to towns, or proprietors, any perſon makingclaim thereto to be eſtopped.

At a General Aſſembly held at *Hartford*, on the eleventh Day of *May*, Anno Domini, *One thouſand ſeven hundred and twenty-ſeven.*

## An Act to prevent Frauds, Quarrels and Diſturbances in Bargains, Sales, Leaſes or other Alienations of Land, &c. in this Government.

*THIS Aſſembly obſerving the growing Inconveniency on this Government by Means of too many taking in Hand, bearing up or upholding of Quarrels and Sides; to the Diſturbance of the common Right and the Peace and Quiet of*

Preamble.

*the good People in this Government : Which tendeth to their Impoveriſhment, by the Miſpence of Time and Treaſure.*

Which to prevent:

All fraudulent bargains in ſales and alienations of land, &c. to be null and void.

BE it *Enacted and Declared, by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all Bargains, Sales, Leaſes or other Alienations for Years, Life, Lives or forever, or for any other Term or Time whatſoever, of any Lands, Tenements or Hereditaments within this Colony, whereof the Leaſor, Vendor, Grantor, or the Perſon that doth otherways execute any Inſtrument in Writing for the transferring any Right or Title to any Lands, Tenements or Hereditaments to another Perſon or Perſons, the preſent Poſſeſſor thereof only excepted, is diſſeiſed or outed of the Poſſeſſion thereof, by the Entry, Poſſeſſion and Improvement of any other Perſon or Perſons; or that does claim or challenge to have Right or Title to any Lands, Tenements or Hereditaments by Force and Virtue of any Title or Claim, aliene from, and in Oppoſition to the Title granted by the Royal Charter to this Corporation, and not warranted by the Laws of this Colony, ſhall be null and void, and of no Effect in the Law for the transferring and conveying any of the pretended Rights or Titles above deſcribed, to any Perſon or Perſons whatſoever.

Perſons attempting to give or receive any ſuch fraudulent writing, &c.

*And be it further enacted by the Authority aforeſaid,* For the more effectual preventing the Miſchief aforeſaid, That whoſoever ſhall attempt by any Inſtrument in Writing under his Hand, to alienate any of the Claims or Rights above deſcribed, in any ſuch Manner as is above declared to be void, and ineffectual in the Law, or ſhall receive any Conveyance thereof to him or them; ſhall forfeit one Half of the Value of the Lands attempted to be alienated, as aforeſaid. To be recovered by Bill, Plaint, or Information, in any Court proper to hear and determine the ſame: Whereof the one Half ſhall be to the Informer that ſhall proſecute the ſame to Effect, and the other Half of the Penalty to the Treaſury of this Colony.

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At a General Aſſembly held at *New-Haven*, on the twelfth Day of *October* Anno Domini, *One thouſand ſeven hundred and twenty-ſeven.*

## An Act for enabling the Proprietors of the common and undivided Lands, (declared, by an Act of this Aſſembly, made at *Hartford*, the ninth Day of *May*, *A. D.* 1723, to belong to the Proprietors, and not to the Towns) to make Rates to defray the neceſſary Charges ariſing in the defending, protecting or managing the ſame: alſo to make Exchanges of ſaid common Land for the procuring needful and convenient High-ways.

Proprietors to make rates to defray neceſſary charges, &c.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Proprietors of the ſaid Common or undivided Land in any Town in this Colony, are hereby fully impowered at any of their legal Meetings, by their major Vote, to make a Rate or Rates as occaſion ſhall require, for the defraying the neceſſary Charges ariſing on ſaid Propriety, and to appoint Collectors for the gathering in the ſame; who ſhall be inveſted with the ſame Power as the Collectors of Town Rates are by Law inveſted with, and ſhall make Pay-

ment

ment of the Money by them collected, to the Proprietors appointing them, or to their Order, on the ſame Penalties, and to be under the ſame Regulations as the Collectors of Town Rates are.

*And it is further enacted by the Authority aforeſaid*, That the ſaid Proprietors are hereby fully impowered at their Meetings, as aforeſaid, to make Exchanges of any of the common Land, for needful and convenient Highways in ſaid Town or Place, with any of the Proprietors, Inhabitants, or Owners of ſuch Land, as ſhall be judged moſt convenient and needful by the Proprietors aforeſaid, which exchanges ſhall be entred in the ſaid Proprietors Book of Records, and ſhall be held good and valid, to all Intents and Purpoſes, to the uſe of the Perſon or Perſons receiving the ſame, and to his and their Heirs and Aſſigns forever. And all Exchanges heretofore made for the End aforeſaid, ſhall alſo be held good and valid to all Intents and Purpoſes.

Proprietors to make exchanges of the common land, &c.

*Always provided*, That the major Part of the Proprietors (to be computed by their Intereſt of ſuch common and undivided Land) do not proteſt againſt ſuch Exchange, and enter their Proteſt with the Clerk of ſuch Propriety within forty Days after ſuch Exchange is granted.

Proviſo.

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At a General Aſſembly held at *Hartford*, on the eighth Day of *May*, Anno Domini, *One thouſand ſeven hundred and twenty nine.*

*WHereas the Proprietors of ſome ancient Towns in this Government, which were ſettled before any Patents were granted out to them, did agree, or accuſtom themſelves to divide the common or undivided Lands within their Townſhips among themſelves, according to the Methods and the Intereſts and Proportions, as by themſelves were agreed on or conſented to; and did not grant their Lands in Town Meetings, as ſome other Towns in this Colony have done, and have continued to practice according to their ſaid ancient Cuſtoms in the Diviſions of their common Land from Time to Time to this Day.*

Preamble.

*And whereas many of the ancient Proprietors in ſuch Townſhips, have ſold not only Diviſions ſo obtained, but alſo a conſiderable Part of their Intereſts and Proportions in ſaid common Land, and thereby the Purchaſers thereof have obtained conſiderable Eſtates to themſelves, in the Manner and Form aforeſaid.*

*And whereas ſome Doubt hath ariſen whether the Law made* May *the ninth, One thouſand ſeven hundred and twenty-three*, entituled, *"An Act for the better Eſtabliſhing and Confirmation of Titles of Land, anciently obtained in Townſhips according to the Cuſtom hereafore uſed; and for the preventing Contentions about the ſame," doth effectually quiet and confirm Titles obtained in the Form aforeſaid.*

Whereupon a Queſtion ariſes, and is put to this Aſſembly, namely,

*WHETHER Diſpoſitions of Lands made by the Proprietors of any Town in this Government, and the Diviſions and Intereſts obtained in the Form aforeſaid, be within the Equity of the Act aforeſaid a Confirmation of ſuch Intereſts and Diviſions?*

A queſtion.

RESOLVED by this Aſſembly in the Affirmative.

Reſolved in the affirmative.

## An Act for the preventing disputes which might arise in the Partition of Lands.

Preamble.

*THIS Assembly observing that Disputes do or may arise, whereby the Partition of Lands whereof there are many Proprietors, may be very much perplexed for want of a fixed and determinate Period wherein the Right and Property of said Lands are changed from a common to a particular Interest, by Means of Entries which may be made thereon either by Strangers, or any of the Proprietors in common, after an agreeement to make Partition, and before the actual Surveys are made and recorded in the several Towns where the Lands lie.*

Which Inconvenience to prevent:

Partition of lands not compleat, till survey'd and recorded.

BE *it therefore enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That Partition of the Lands aforesaid, shall not be deemed and looked upon as perfect and compleat in the Law, until the Surveys, as aforesaid, are actually made and recorded as aforesaid; and shall be esteemed as an Estate in common and undivided in the Hands of the Proprietors.

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At a General Assembly held in *New-Haven,* on the eleventh Day of *October,* Anno Domini, One Thousand seven Hundred and Thirty-three.

## An Act limiting and directing the County Surveyors, respecting their laying out Grants of Lands in Towns.

County surveyors to lay out grants of land when proprietors refuse or neglect.

BE *it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,* That whensoever the Proprietors in any Town shall refuse or neglect to choose Persons to lay out any Grant of Land heretofore obtained from the Town or Proprietors of such Town, since the Year of our Lord One Thousand seven Hundred and Twenty, and not yet laid out; or if such Persons be chosen, and do neglect the Space of one year, after being desired to lay out any of the Lands aforesaid by the Person concerned, then in such Case, and no other, the County Surveyor of that County in which said Town shall lie, shall (if thereunto required) lay out any such Grant; which laying out shall be good and valid to all Intents and Purposes, as if the Committee chosen, as aforesaid, had laid out the same.

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## An Act for the Punishment of lascivious Carriage and Behaviour.

Preamble.

*FOR the preventing of lascivious Carriage and Behaviour, against and for the Punishment of which, (in Regard of the Variety of the Circumstances) particular and express Laws cannot be easily suited and made.*

Therefore,

Persons guilty of lascivious carriage and behaviour, to be fined, or imprisoned, sent to the house of correction, or corporally punished.

BE *it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That the several and respective County Courts within this State, shall be, and are hereby impowered and directed to proceed against, and punish such Persons as shall be guilty of lascivious Carriage and Behaviour; either by imposing a Fine on them, or by committing them to the House of Correction, or by inflicting corporal Punishment on them, according to the Nature and Aggravation of the Offence, and according to the Discretion of such Court: That such seasonable and exemplary Punishment may be inflicted upon Offenders in that Kind, that others may hear and fear.

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# An Act concerning Leather; and for regulating the ſeveral Artificers concerned in Working or making up the ſame.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Butcher whatſoever, by himſelf or any other Perſon, ſhall gaſh or cut any Hide or Skin of Ox, Cow or Calf, in fleaing thereof, or otherwiſe, whereby the ſame ſhall be impaired or damaged, on pain of forfeiting to the Owner the Sum of *Eight-pence*, for every ſuch gaſh or cut; and of paying the Damage occaſioned thereby in any ſuch Hide or Skin.

No butcher to cut or gaſh any hide.

*And for the better preventing of Deceits and Abuſes by Tanners, Curriers, Dreſſers, and Workers up of Leather.*

*Be it further enacted by the Authority aforeſaid,* That no Perſon whatſoever ſhall ſet up the Trade or Miſtery of tanning of Leather in this State: or for that End erect or ſet up, or make any Tan-vats, or other Place to tan in; or carry on, or uſe that Trade or Miſtery, except he do manifeſt his Skill therein to the County Court of that County wherein he lives, and obtain Licence from ſuch Court to ſet up and manage that Trade; on Pain that every Perſon ſo offending ſhall forfeit the Sum of *Twenty Pounds*: One Moiety to the County Treaſury, and the other to him or them who ſhall proſecute the ſame to Effect.

No perſon to ſet up the trade of tanning without liberty from the C. court.

That no Perſon or Perſons whatſoever that now doth, or hereafter ſhall uſe the Art, Trade or Miſtery of Tanning, ſhall at any Time offer or put to Sale, any Kind of Leather which ſhall be inſufficiently or not thoroughly tanned; or which hath been over limed, or burnt in the Limes; or which ſhall not after Tanning be well and ſufficiently dried, upon pain of forfeiting ſuch Leather, or the full Value of it, or ſo much thereof as by any Searcher or Sealer of Leather lawfully appointed and ſworn, ſhall be found inſufficiently tanned and dried as aforeſaid: One half of which Forfeiture ſhall be to the Complainer, who ſhall proſecute to Effect, and the other half to the Town Treaſury of that Town wherein ſuch Tanner dwells.

No tanner to put off any leather inſufficiently tanned.

Nor ſhall any Perſon uſing the ſaid Art, Trade or Miſtery, ſuffer any Leather tanned by him, to go out of his Cuſtody before ſaid Leather be ſearched and ſealed by the Sealer of the Town in which ſuch Tanner dwells, upon the Penalty of forfeiting the Sum of *Three Pounds* for each Hide or Skin ſo diſpoſed of, or ſuffered to go out of his Cuſtody before Sealing: One half to the Complainer, as aforeſaid, and the other half to the Town Treaſury of the ſaid Town.

Nor ſuffer ſaid leather to go out of his cuſtody, till ſealed.

That no Perſon uſing the ſaid Trade, ſhall ſet any of his Vats in Tan-Mills, or other Places where the Ouſe, or Leather put therein to tan, ſhall or may take any unkind Heats; nor ſhall put any Leather into any hot or warm Ouſe whatſoever, on pain of forfeiting *Fourteen Pounds*: To be recovered as aforeſaid, for the Uſes aforeſaid.

Nor ſet his vats on tan-hills, &c.

And no Perſon or Perſons whatſoever ſhall cauſe, or ſuffer any Leather of him or them tanned, to be wrought up by any Shoe-maker employed either by himſelf, or by any other Perſon or Perſons for him; nor ſhall work up the ſame himſelf before ſuch Leather be viewed and ſealed, as aforeſaid, on Penalty of forfeiting the Sum of *Five Pounds* for every Hide or Skin, ſo as aforeſaid, by him or them wrought, cauſed or ſuffered to be wrought up before ſealing as aforeſaid: To be recovered as aforeſaid, to the Uſes aforeſaid.

Penalty of 5l. to work up leather before it be ſealed.

*And for the effecting the Purpoſes aforeſaid,*

*Be it further enacted by the Authority aforeſaid,* That every Town in this State, where need ſhall require, ſhall chooſe one or two honeſt Men, ſkilful

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One or two honeſt men to be choſen by each town to view and ſeal leather.

in Leather, within their Townſhip, who ſhall be ſworn to a faithful diſcharg of their Truſt, who ſhall make Search and View within the Limits of the Town, as oft as they ſhall think it needful, who ſhall have a Mark or Se prepared by ſuch Town for that Purpoſe; and with the ſaid Mark or Se they ſhall ſeal ſuch Leather in ſaid Town as they ſhall find in all Poin ſufficient, and no other.

Leather offered to ſale, not well wrought, to be ſeized.

That if the ſaid Searchers or Sealers, or any of them, find any Leath ſold or offered to be ſold, or any way diſpoſed of, which ſhall be eith tanned, wrought, converted or uſed contrary to the true Intent and Meani of this Act, it ſhall and may be lawful for the ſaid Searchers or Sealers, any of them, to ſeize, or procure to be ſeized, all ſuch Leather, and ret the ſame in their Cuſtody, until ſuch Time as the Matter be tried by ſu Triers, and in ſuch Manner as in this Act is appointed; *That is to ſ* When any Leather is ſeized as being forfeited, as aforeſaid, the Officer ſeizing the ſame, ſhall within three Days, inform ſome Aſſiſtant or Juſti of the Peace thereof; who ſhall forthwith ſummon four or ſix Men, hon and ſkilful in Leather, to view the ſame, in the Preſence of the Party, (w ſhall have timely Notice thereof) or without him in caſe he do not appe Which Men being duly ſworn for that Purpoſe, ſhall upon their Oaths c tify to the ſaid Aſſiſtant or Juſtice the Defect of ſuch Leather: And thereby it appears the ſaid Leather is forfeited by Virtue of this Act, t ſaid Aſſiſtant or Juſtice ſhall give Judgment accordingly; and order Diſpoſition thereof as in this Act is provided.

Sealers of leather to ſearch for ſhoes, &c. made of bad leather, &c.

And every of the ſaid Searchers and Sealers of Leather, ſhall be, and hereby impowered to ſearch for all ſuch Shoes, Boots and other Ware m by Shoe-makers or Cordwainers, as the ſaid Searchers, or any of them ſh judge or ſuſpect to be made of inſufficient Leather; and upon any ſu Search to ſeize and ſecure all ſuch Shoes, Boots and other Ware aforeſa as they find, and judge to be made of ſuch bad Leather: And if upon Conſideration and Trial thereof had and made, by four or ſix honeſt M ſkilful in Leather, as aforeſaid, the ſame Shoes, Boots or other Ware ſh be judged and certified to be made of inſufficient Leather, then the ſa ſhall by the Owner or Owners thereof be forfeited; one third thereof to Complainer, and two thirds to the Town Treaſury; Unleſs the Owne Owners thereof ſhall give Oath that the ſame Wares were made of Lea ſealed according to Law.

Penalty of 20s. on ſealers of leather who neglect their duty.

And if any Searcher or Sealer of Leather ſhall neglect or refuſe convenient Speed to ſeal any Leather ſufficiently tanned, wrought dried, according to the true Intent and Meaning of this Act, having tim Notice thereof; or ſhall ſeal any Leather which ſhall be inſufficient, then every ſuch Searcher and Sealer ſhall forfeit for every ſuch Offence Sum of *Twenty Shillings* to the Uſe of the Town Treaſury, and anſwer Damages ſuſtained by ſuch Neglect, Refuſal or Miſ-doing: And for Service in Sealing, as aforeſaid, ſhall for his Fee be allowed and paid the Owner for each Dicker of Leather he ſhall ſeal, *Eighteen-pence*; for half a Dicker *Twelve-pence*, and for a ſingle Hide *Three-pence*.

Curriers of leather to forfeit the value of the hides which ſhall be marred by their ill workmanſhip.

*Be it further enacted by the Authority aforeſaid*, That no Perſon or Per uſing, or that ſhall uſe the Art or Miſtery of currying Leather, ſhall b or ſcale any Hide or Leather in currying the ſame; but ſhall work ſame in all Reſpects with good ſufficient Liquor, both for Quantity Quality, ſuitable to the Condition of the Leather dreſſed by him or th on Pain of forfeiting for every Offence or Act done contrary to the Intent and Meaning of this Act, the full Value of ſuch Hide or Hide Skins marred by his evil Workmanſhip or Handling: Which ſhal judged by two or more ſufficient and ſkilful Perſons, Curriers or ot under Oath given them for that Purpoſe, by any Aſſiſtant or Juſtic the Peace.

*And be it further enacted by the Authority aforesaid*, That no Person or ersons shall transport or send away out of this State, any tanned Hides, kins or Leather, upon Pain of forfeiting such Hides, Skins or Leather, the full Value thereof: One third Part to the Complainer, who shall rosecute to effect, and the rest to the County Treasury of the County here the Offence is committed.

Tanned leather not to be transported, &c. out of this state.

## An Act for laying a Tax on Shipping for repairing and maintaining the Light-House, near the Port of *New-London*.

*E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same*, That from and after the nth Day of *February*, *One thousand seven hundred and eighty-four*, each d every Vessel, except such as are employed in the Fishery, and during eir Continuance therein, which shall clear out at any Port in this State, shall harbour or anchor in the Port of *New-London*, shall be subject pay the following Taxes, viz. Each and every Ship, *One Pound Ten illings*; each and every square-rigged Vessel carrying two masts, *Twelve illings*; each and every Sloop and Schooner (Coasters excepted) *Six Shilgs*; each Vessel used in the coasting Business, of more than twenty Tons rthen, *Three Shillings*; and each Vessel used in the coasting Business, of less an twenty Tons Burthen, *One Shilling and Six-pence*. Which several Taxes Duties becoming due as aforesaid, shall be paid to and collected by the aval-Officers where any such Vessel shall clear out, or harbour and anchor aforesaid. Which Officers shall severally give Bonds to the Treasurer this State, with Surety, faithfully to account for the Sums they shall eive by Virtue of this Act. And the Naval-Officers shall pay over the ms of Money they shall receive as aforesaid, according to the Direction the General Assembly from Time to Time, for the Convenience and commodation of the Light-House. And the Master of every Vessel ich shall harbour and anchor in the Port of *New-London* aforesaid, who ll for the Space of twenty-four Hours, neglect or refuse to pay such x as is by Law required, such Master so neglecting, shall forfeit and pay uble the Sum of such Tax, and all Costs; to be recovered by Bill, int or Information: Any Law, Usage or Custom to the contrary notwithstanding.

All vessels to pay tax for light-house, except, &c.

Naval officers to give bond to account therefor, &c.

Penalty on the master for neglect, &c.

## An Act for the Limitation of Prosecutions in divers Cases, civil and criminal.

*E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same*, That no Person shall be cted, prosecuted, informed against, complained of, or compelled to wer before any Court, Assistant or Justice of the Peace within this State, the Breach of any penal Law, or for other Crime or Misdemeanour, by son whereof a Forfeiture belongs to any public Treasury, unless the ctment, Presentment, Information, or Complaint be made and exhibiwithin one Year after the Offence is committed.

nd every such Indictment, Presentment, Information, and Complaint is not made and exhibited, as aforesaid, within the Time limited for ame as aforesaid, shall be void and of none Effect.

*rovided always*, That this Act shall not extend to any capital Offence; o any Crime that may concern Loss of Member, or Banishment, or any

Complaints and presentments to be exhibited within one year.

Or to be void and of none effect.

Proviſo.

any Treachery againſt this State, nor to any pilfering and Theft, the Va whereof is above *Ten Shillings*; nor ſhall it hinder any Perſon aggrieved, injured by any Wrong done to him, or his Wife, Children, Servants, Eſtate, real or perſonal; but that every ſuch Perſon ſhall have Remedy he might before this Act; any Thing therein contained notwithſtanding.

To bring actions for bill, or bond in 17 years, or &c.

*And be it further enacted by the Authority aforeſaid*, That no Suit, Proce or Action ſhall be brought on any Bond, Bill, or Note under Hand, giv for the payment of any Sum or Sums of Money, not having any other Co dition, Contract or Promiſe therein but within the Space of ſeventeen Ye next after an Action on the ſame ſhall accrue. *Provided neverthelefs*, T the Time this State has been, or may be engaged in War, ſhall be exp ged, and not computed in ſaid Time of Limitation. But from all a every Action, Suit or Proceſs, after the Time limited as aforeſaid, e and every Perſon ſhall be forever debarred.

Proviſo.

*Provided neverthelefs*, That Perſons over Sea, or legally incapable bring their Actions for their Debts aforementioned, may bring the ſa any Time within four Years after their coming from over Sea, or beco ing legally capable to bring an Action, notwithſtanding the Time limi as aforeſaid, be expired.

Of treſpaſs, &c. in three years.

*And be it further enacted by the Authority aforeſaid*, That no Action of T paſs, nor of the Caſe for Slander and Defamation, ſhall be brought but wi in three Years after the Facts are done, or the Cauſe of Action doth ari

## An Act for the direction of Liſters in their Office a Duty.

Liberty for each town to chooſe a diſcretionary number of liſters. To be ſworn.

*BE it enacted by the Governor, Council and Repreſentativss, in General C aſſembled, and by the Authority of the ſame*, That the ſeveral Tow this State ſhall, in the Month of *December*, annually, chuſe ſuch numb Liſters as they ſhall judge neceſſary and convenient, to make up the Li Polls and rateable Eſtates in ſuch Town; who ſhall take the Oath p cribed by Law.

Liſters to put up notifications.

And the ſaid Liſters ſhall give Warning to the Inhabitants of their pective Towns, to give in the Liſts of their Polls and rateable Eſtate poſting up a Notification in Writing, ſigned by the Liſters in ſuch T in the Monrh of *July*, annually, on the public Sign-Poſt, and ſome pu Place in every Society in ſuch Town; thereby giving Notice to all Pe obliged by Law to pay Taxes, to give in their reſpective Liſts, accor to Law. Which Warning ſo poſted up as aforeſaid, ſhall be ſuffi Notice to ſuch Perſons to give in their Liſt to the Liſters. And the L bitants being ſo warned, ſhall give in to the Liſters in Writing, a Account of all their liſtable Polls, and of all other rateable Eſtate, b their Property, or belonging to them, on the twentieth Day of *Augu* lowing, at or before the tenth Day of *September* following; particu mentioning therein all ſuch Things as are in this Act hereafter exp valued, ſigned with their Names; which Accounts the ſaid Liſters accept, adding thereto, according to their beſt Judgment, a Value f Things hereafter mentioned in this Act to be liſted, that are not partic valued, and make the whole into one general Liſt. And every Per Perſons having any Land or real Eſtate proper to be rated in any Town than where ſuch Perſon dwells, ſhall give in to the Liſters of Towns where ſuch Eſtate doth lie, a true Liſt thereof, in the Mann fore mentioned, without any Warning given by the Liſters of the where ſuch Eſtate is liable to be rated as aforeſaid; or on Failure t the ſame ſhall be added by the Liſters: And in caſe the Town in

Inhabitants to give in a liſt of what they poſſeſs the 20th of Aug. by the 10th of Sept.

If non-reſidents neglect their eſtate to be added.

ſuch Eſtate lieth be unincorporated, and not taxed, then ſaid Eſtate to be given in to the Liſters of the Town where ſuch Perſon dwells. And all the Lands not as yet laid within the Bounds of any Town, thoſe Lands, with the Perſons and Eſtates thereupon, ſhall be aſſeſſed by the Rates of the next Town unto it; the Meaſure or Eſtimation to be by the Diſtance of the Meeting-Houſes.

Liſters to be tranſmitted to the general aſſembly in October, annually.

That the Liſters ſhall receive, make up, and tranſmit to the General Aſſembly in *October* annually, the Liſts of ſuch Towns, with a Certificate from an Aſſiſtant or Juſtice of the Peace, or Town Clerk, before whom ſaid Liſters were ſworn, that they were ſworn to a faithful Diſcharge of their Duty before the firſt Day of *July* preceding. And that every of the aforeſaid Liſters, who ſhall neglect his Duty therein, ſhall forfeit and pay to the Treaſury of this State *Ten Pounds*. And that if no ſuch Return of the Liſt be made from any Town, or there be no ſuch Certificate, ſuch Town ſhall be doomed by and at the Diſcretion of the General Aſſembly.

Penalty on liſters and towns for neglect.

That the ſaid Liſters, after the riſing of the General Aſſembly in *October* annually, ſhall, and they are hereby required, carefully to inſpect the ſaid Liſt till the laſt Day of *December* following, annually, and to add Fourfold for all the Polls and rateable Eſtate they ſhall find left out of the Liſt, by any particular Perſon or Perſons, the Property whereof did belong unto ſuch Perſon or Perſons, on the twentieth Day of *Auguſt* preceding, giving Notice thereof to the Perſons fourfolded: And if any Doubt thereon ſhall riſe, the ſaid Eſtate ſhall be adjudged or reputed the Property of the Perſon aſſeſſed for the ſame, unleſs he can ſhew it to have been the Property of ſome other Perſon on the ſaid twentieth Day of *Auguſt*; and alſo add to ſaid Liſt fourfold for the whole rateable Eſtate and Polls of all ſuch Perſons as have given in no Liſts at all, as a Penalty on the ſaid Inhabitants for their Neglect; who ſhall pay Rates for the ſame, according to their fourfold Aſſeſſments.

Liſters to inſpect liſts till the laſt day of December annually; add forefolds, &c.

To tranſmit the ſum total of additions to the general aſſembly in May. On penalty.

And one Half of all ſuch Sums ariſing upon ſuch fourfold Additions, ſhall, by the Conſtable and other Collectors of Rates, that ſhall be made upon ſuch Liſts, be paid to the Liſters as a Reward for their Trouble, and the other Half ſhall be for the Uſes for which ſuch Rates are made. And the Liſters ſhall tranſmit the Sum Total of all the Additions, agreeable to the Form aforeſaid, which they ſhall ſo make, to the General Aſſembly in *May* following, on Pain of incurring the ſame Penalty for their Neglect thereof, as is provided in this Act in Caſe they neglect to ſend the Sum Total of the Liſt to the General Aſſembly in *October*.

Copy to be lodged with town clerk.

That ſaid Liſters ſhall annually, ſome Time in the Month of *January*, deliver the Liſt of the Polls and rateable Eſtate of the Inhabitants of their Town, made out according to Law, to the Clerk of the Town, taking his Receipt for the ſame; upon the Penalty that every Liſter that ſhall neglect the ſame, ſhall pay to the Treaſurer of ſuch Town the Sum of *Five Pounds*; to be recovered by Action, Bill, Plaint or Information.

In what manner perſons aggrieved may have relief.

That when and ſo often as any Perſon or Perſons are over-charged in their Liſt, it ſhall be the Duty of the Liſters to grant Relief in ſuch Caſes only, where the Eſtate ſhall appear not to have belonged to the Perſon on the twentieth of *Auguſt* preceding, or that it was not left out through his Wilfulneſs or Negligence, but from ſufficient Ground to conclude the Eſtate to have been loſt or periſhed, and that ſo ſoon as he was ſenſible of his Duty therein, he did offer his Eſtate *bona Fide* to the Liſters, to be entered in the public Liſt. But if ſuch Liſters will not give juſt Relief, then upon Application made by the aggrieved Party, to two or more Juſtices of the Peace, and three Select-men of the Town, notifying two or more of the Liſters to ſhew Reaſon, if any they have, why Relief ſhould not be granted ſuch aggrieved Perſon, they ſhall conſider the Caſe, and give ſuch Relief as they ſhall judge juſt and reaſonable; and alſo in all Caſes where any Perſon may be wrongly charged or over-charged by the Liſters in their Liſts

as aforeſaid: Provided ſuch Application be made in ſix Months next after ſuch over-charge complained of, be made.

Miſtakes in caſt upon certificate from liſters, to be corrected by the treaſurer.

That when the Liſters ſhall make a Miſtake in caſting the Liſt of the Town, on Diſcovery thereof, they ſhall certify the ſame to the Treaſurer, who is hereby authorized and directed, on ſuch Certificate, to add to, or ſubſtract from the Liſt of ſuch Town, the Amount of ſuch Miſcaſt, as the Circumſtances of ſuch Caſe ſhall require. And the Treaſurer ſhall not accept nor allow any Bills of Abatement, ſave only where any Perſons ſhall be found, according to the true Meaning of this Act, to have been really over-charged or wrong charged: Or unleſs any Perſon charged in ſaid Liſt is deceaſed, or ſhall have abſconded and departed out of this State, before the Time limited for the Payment of ſuch Rate to the Treaſurer, and hath not left any Eſtate whereon the ſame may be levied. And in every Bill of Abatement, made in either of the Caſes aforeſaid, ſhall be certified the Reaſon of ſuch Abatement, by the Perſons who have Right by Law to make the ſame, or by an Aſſiſtant or Juſtice of the Peace.

Treaſurer not to allow of abatement, &c.

At what age and what rate polls ſhall be ſet in the liſt.

*Be it further enacted by the Authority aforeſaid*, That all male Perſons within this State, from ſixteen Years of Age to Twenty-one, (not hereafter ſpecially exempted) ſhall be ſet in the Liſt, each Perſon at *Nine Pounds*; and all male Perſons within this State, from Twenty-one Years of Age to Seventy, (except the Governor, Lieutenant-Governor, Aſſiſtants, Miniſters of the Goſpel, the Preſident, Profeſſors and Tutors of the Collegiate-School, conſtant School-Maſters, and Students of College, until the Expiration of the Time for taking their ſecond Degree, and Perſons diſabled by Sickneſs, Lameneſs, and other Infirmities, and ſuch as are or may be exempted by ſpecial Act of the General Aſſembly) ſhall be ſet in the Liſt, each Perſon at *Eighteen Pounds*; and all rateable Eſtate ſhall be ſet in the Liſt as follows, viz. Every Ox or Steer of four Years old and upwards, at *Four Pounds*, every Steer of three Years old, and every Cow or Heifer of three Years old and upwards, at *Three Pounds*; every Steer or Heifer of two Years old, at *Two Pounds*; every Steer or Heifer of one Year old, at *One Pound*; each Horſe or Mare of three Years old and upwards, at *Three Pounds*, (except Troopers Horſes inliſted) all Horſe-kind of two Years old, at *Two Pounds* each; and every Horſe-kind of one Year old, at *One Pound* each; every Swine of one Year old and upwards, (Boars excepted) at *One Pound*. All meadow Lands in the County of *Hartford*, both for Plowing and Mowing at *Fifteen Shillings* per Acre, except Boggy-Meadow, which, if mowed, at *Five Shillings* per Acre; if not mowed, at *Two Shillings* per Acre; all other Plow-lands in this State, at *Ten Shillings* per Acre; all Meadow-lands, both ſalt and freſh, within the Counties of *New-Haven*, *New-London*, *Fairfield*, *Windham* and *Litchfield*, at *Seven Shillings* and *Six-pence* per Acre, except Boggy-meadow, which, if mowed, at *Five Shillings* per Acre. *Always provided*, That all Plow-lands ſhall be ſo aſſeſſed only for that Year in which the Crops are taken off or ſeparated from the ſaid Land; but in the next Year following it ſhall be aſſeſſed as Paſture-land, at *Eight Shillings* per Acre, and ſo from Year to Year till the Year wherein the ſaid Land ſhall be plowed for another Crop, in which it ſhall be Rate free, and in the Year in which the Crop is to be taken off or ſeparated from ſaid Land, it ſhall be rated at *Ten Shillings* as aforeſaid: All upland Paſture, either for feeding or mowing at *Eight Shillings* per Acre, except ſuch Lands as are much over-grown with Woods, Buſhes, Briars and the like, whereby the Lands become unſerviceable for Paſture, whether the ſame have been cleared or not, which ſhall be aſſeſſed at *Two Shillings* per Acre: All unincloſed Lands in this State ſhall be ſet as follows, viz. All Timber-lands, which, if cleared, would be for mowing or plowing, at *Two Shillings* per Acre; all other Timber-lands (except on Mountains inacceſſible to Teams) at *One Shilling* per Acre; all other unincloſed Lands, at *Six-pence* per Acre.

Who exempt.

Cattle, horſe-kind, &c.

Meadow land.

Proviſo.

Upland.

Unincloſed.

Th

That all Horſe-kind, and other Creatures rateable by Law, that are put upon any Farms in this State, out of the Town where the Owners dwell, and under the Care, Occupancy and Improvement of a Tenant there, ſhall be put into the Liſt of the Owners of ſuch Creatures in the Town where ſuch Farm lieth; and in all other Caſes, all Horſe-kind and other Creatures rateable by Law, ſhall be put into the Liſt of the Polls and rateable Eſtate of the Owners thereof, in the Towns where they dwell.

Horſe-kind, &c. in towns remote from the owners.

All Miniſters of the Goſpel that now are or hereafter ſhall be ſettled in this State, during their Continuance in the Miniſtry, ſhall have all their Eſtates lying in the ſame Society or Town wherein they dwell, and all Polls belonging to their ſeveral Families, exempted from being put into the Liſt. And alſo the Preſident of Yale-College for the Time being, his Eſtate ſhall be under the ſame Regulations as Miniſters of the Goſpel. As alſo in like Manner ſhall all Lands and Buildings in this State, ſequeſtered to, and improved for Schools, or other public or pious Uſes.

Certain exemptions.

That all Ships and other Veſſels, in Employ, or that have been within one Year next before the twentieth Day of *Auguſt* annually, ſhall be ſet in the Liſt at *Fifteen Shillings* per Ton, according to their true and juſt Burthen, to be computed by the Carpenter's Rule.

Shipping.

That each Coach ſhall be ſet in the Liſt at *Twenty-five Pounds*; each Chariot at *Twenty Pounds*; each Phaeton *Fifteen Pounds*; each Curricle at *Ten Pounds*; each Chaiſe or other riding Wheel-Carriage with a covered Top, at *Five Pounds*; and every open Chair and other open-top riding Wheel-Carriage, at *Three Pounds*.

Coaches, &c.

Each Gold Watch, at *Five Pounds*; all other Kind of Watches, at *One Pound Ten Shillings* each; all ſteel and braſs-wheeled Clocks, at *Three Pounds* each; wooden wheeled Clocks, at *One Pound* each.

Watches and clocks.

All wrought houſhold Silver Plate, at Six per Cent. on the juſt Value thereof in Lawful Money, at *Six Shillings* and *Eight-pence* per Ounce; all Monies at Intereſt on good Securiety, except Monies loaned to this State or the United States, more than the Owners thereof pay Intereſt for, at Six per Cent. on the juſt Value in Lawful Money.

Silver plate.

Monies.

Each Dwelling-Houſe in good Repair, at *Fifteen Shillings* for each Fire-place therein: The Liſters may abate for old and decayed Houſes, one Quarter, one Half, or three Quarters of the Sum aforeſaid, according as the Houſes ſhall appear to them to be more or leſs decayed, or depreciated in Value.

Dwelling-houſes, &c.

*Be it further enacted by the Authority aforeſaid*, That after making up the Liſt of ſpecific Articles aforeſaid, the Liſters ſhall proceed to make the following Aſſeſſments, *to wit*: Each Attorney at Law (the leaſt Practitioner) at *Fifty Pounds*, larger Practitioners higher in Proportion; each Phyſician or Surgeon (the leaſt Practitioner) at *Ten Pounds*, and others in Proportion; each Shop-keeper or Trader whatſoever (the loweſt Claſs) at *Twenty-five Pounds*, and all others in due Proportion; that each allowed and licenced Tavern-keeper be ſet at *Fifteen Pounds*, and to be added to in Proportion to their Situation and Profits, according to the beſt Judgment of the Liſters: That each and every Perſon that followeth any mechanical Art or Miſtery, ſuch as Black-ſmiths, Shoe-makers, Tanners, Gold-ſmiths or Silver-ſmiths, and every other Handy-Craft, ſhall be ſet in the Liſt at leaſt *Five Pounds*, and to be added to at the beſt Diſcretion of the Liſters; each Corn-mill ſtanding on a Stream ſufficient to carry the ſame through the various Seaſons of the Year, and ſo ſituated that they are conſtantly ſupplied with Cuſtom, ſhall be ſet in the Liſt annually at *Eighty Pounds*, and others of leſſer Advantages, whether Wind-mills or others, at a leſs Sum in Proportion, according to the beſt Judgment of the Liſters. And that the Liſters ſhall aſſeſs Owners of Iron-works, Oil-mills, Saw-mills, and all other Water Works by which Profits ariſe; and that all other

Directions to liſters how to aſſeſs, &c.

Works and Occupations followed or purſued by any Perſons by which Profits ariſe, and which have not been enumerated in this Act (except Buſineſs in any public Office, Husbandry, and common Labour for Hire) ſhall be aſſeſſed by the beſt Judgment of the Liſters in due Proportion to the Rules given in particular Inſtances in this Act. And all Bulls, more than One owned by one Perſon, ſhall be ſet in the Liſt at the Rate of Steers or Oxen of the ſame Age. And that the Aſſeſſments made by the Liſters by Virtue of this Act, ſhall be ſo returned to the General Aſſembly in *October* annually, that the Aſſembly may judge whether on the whole Juſtice has been done by the Liſters: And the Liſters ſhall carefully return the Names of thoſe of all Denominations who ſhall be aſſeſſed, and the Sums annexed at which they are reſpectively aſſeſſed, to ſaid Aſſembly.

Liſts tranſmitted to the aſſembly, &c.

*Be it further enacted by the Authority aforeſaid*, That the Liſters in the ſeveral Towns in this State, ſhall receive, make up and tranſmit to the General Aſſembly, and lodge with the Town Clerk the Liſts of ſuch Towns reſpectively, in the following Form and Order of Arrangement, *viz.*

The form of liſts.

A true Liſt of the Polls and Eſtate of the Town of rateable by Law, on the 20th Day of *Auguſt*, 17 .

| No. | | £. | s. | d. | £. | s. | d. |
|---|---|---|---|---|---|---|---|
| | Polls from 21 to 70 Years of Age, at | 18 | 0 | 0 | | | |
| | Polls from 16 to 21 Years of Age, at | 9 | 0 | 0 | | | |
| | Oxen and Bulls four Years old, at | 4 | 0 | 0 | | | |
| | Cows, Steers, Heifers and Bulls 3 Years old, at | 3 | 0 | 0 | | | |
| | Steers, Heifers and Bulls of two Years old, at | 2 | 0 | 0 | | | |
| | Steers, Heifers and Bulls of one Year old, at | 1 | 0 | 0 | | | |
| | Horſe-kind of three Years old, at | 3 | 0 | 0 | | | |
| | Horſe-Kind of two Years old, at | 2 | 0 | 0 | | | |
| | Horſe-Kind of one Year old, at | 1 | 0 | 0 | | | |
| | Swine of one Year old, at - - | 1 | 0 | 0 | | | |
| | Acres of Plow-land, at - - - | 0 | 10 | 0 | | | |
| | Acres of Upland, Mowing & Clear-paſture, at | 0 | 8 | 0 | | | |
| | Acres of Boggy-meadow mowed, at | 0 | 5 | 0 | | | |
| | Acres of Boggy-meadow not mowed, at | 0 | 2 | 0 | | | |
| | Acres of Meadow-land in *Hartford* County, at | 0 | 15 | 0 | | | |
| | Acres of other Meadow-land, at - - | 0 | 7 | 0 | | | |
| | Acres of Buſh-paſture, at - - | 0 | 2 | 0 | | | |
| | Acres of unincloſed Land, firſt Rate, at | 0 | 2 | 0 | | | |
| | Acres of unincloſed Land, ſecond Rate, at | 0 | 1 | 0 | | | |
| | Acres of unincloſed Land, third Rate, at | 0 | 0 | 6 | | | |
| | Tons of Veſſels, at - - - - | 0 | 15 | 0 | | | |
| | Coaches, at - - - - | 25 | 0 | 0 | | | |
| | Chariots, at - - - - | 20 | 0 | 0 | | | |
| | Phaetons, at - - - | 15 | 0 | 0 | | | |
| | Curricles, at - - - | 10 | 0 | 0 | | | |
| | Chaiſes, at - - - | 5 | 0 | 0 | | | |
| | Riding-Chairs with open Tops, and Sulkies, at | 3 | 0 | 0 | | | |
| | Gold Watches, at - - - | 5 | 0 | 0 | | | |
| | Silver and other Watches, at - - | 1 | 10 | 0 | | | |
| | Steel and Braſs-wheel Clocks, at - - | 3 | 0 | 0 | | | |
| | Wooden-wheel Clocks, at - - - | 1 | 0 | 0 | | | |
| | Ounces of Silver Plate, at 6*s*8*d*. at 6 per Cent. | | | | | | |
| | Money on Intereſt, at 6 per Cent. | | | | | | |
| | Houſes Fire-places, at - - - | 0 | 15 | 0 | | | |
| | Houſes Fire-places, depreciated 1 Qr. at | 0 | 11 | 3 | | | |
| | Houſes Fire-places, ditto 1 Half, at | 0 | 7 | 6 | | | |
| | Houſes Fire-places, ditto 3 Qr. at | 0 | 3 | 9 | | | |
| | Aſſeſſments, - - - - | | | | | | |

*Where*

*Whereas ſundry Perſons have from Time to Time, after the twentieth of* Auguſt, *come into this State for the Purpoſe of vending their Goods, Wares and Merchandize, and to avoid the Payment of Taxes have, before the Time of giving in Liſts, removed out of this State, whereby they have reaped all the Profits of Trade, without contributing any Thing to the public Burthens of this State.* Preamble.

*Be it further enacted by the Authority aforeſaid,* That the Liſters in the ſeveral Towns in this State, together with two Juſtices of the Peace, and two Select-men be, and they are hereby authorized and impowered to aſſeſs any ſuch Trader or Merchant who hath come into any ſuch Town ſince the twentieth Day of *Auguſt* laſt, and reſided one Month therein, and hath not given a Liſt in any Town in this State, in ſuch Sum as they ſhall judge juſt and reaſonable, according to their Gains, as in Caſe of other Traders, and from Month to Month, and at the Expiration of every Month until their giving in a Liſt in the uſual Manner, may aſſeſs ſuch Perſon or Perſons as are already in this State, or ſhall hereafter come into this State and carry on any Trade or Merchandize as aforeſaid, in ſuch Sum as they ſhall think juſt and reaſonable, according to their Gains as aforeſaid; and ſaid Juſtices are forthwith to iſſue out their Warrants for collecting ſuch Aſſeſſment, directed to the Collector of ſuch Town, who is hereby impowered and directed to collect and pay the ſame into the Town Treaſury where ſuch Aſſeſſment ſhall be made, for the Uſe and Benefit of ſuch Town. Itinerant traders aſſeſſed.

## An Act for the Encouragement of Literature and Genius.

*WHEREAS it is perfectly agreeable to the Principles of natural Equity and Juſtice, that every Author ſhould be ſecured in receiving the Profits that may ariſe from the Sale of his Works, and ſuch Security may encourage Men of Learning and Genius to publiſh their Writings; which may do Honour to their Country, and Service to Mankind.* Preamble.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Author of any Book or Pamphlet not yet printed, or of any Map or Chart, being an Inhabitant or Reſident in theſe United States, and his Heirs and Aſſigns, ſhall have the ſole Liberty of printing, publiſhing and vending the ſame within this State, for the Term of fourteen Years, to commence from the Day of its firſt Publication in this State. And if any Perſon or Perſons within ſaid Term of fourteen Years as aforeſaid, ſhall preſume to print or re-print any ſuch Book, Pamphlet, Map or Chart within this State, or to import or introduce into this State for Sale, any Copies thereof, re-printed beyond the Limits of this State, or ſhall knowingly publiſh, vend and utter, or diſtribute the ſame without the Conſent of the Proprietor thereof in Writing, ſigned in the Preſence of two credible Witneſſes, every ſuch Perſon or Perſons ſhall forfeit and pay to the Proprietor of ſuch Book, Pamphlet, Map or Chart double the Value of all the Copies thereof, ſo printed, imported, diſtributed, vended, or expoſed for Sale; to be recovered by ſuch Proprietor in any Court of Law in this State, proper to try the ſame. Authors of books, &c. to have the ſole right of publiſhing, &c. for the term of 14 years. Penalty for publiſhing, &c. without the proprietor's conſent.

*Provided nevertheleſs,* That no Author, Aſſignee, or Proprietor of any ſuch Book, Pamphlet, Map or Chart ſhall be entitled to take the Benefit of this Statute, until he ſhall duly regiſter his Name as Author, Aſſignee, or Proprietor, with the Title thereof, in the Office of the Secretary of this State, who is hereby impowered and directed to enter the ſame on Record. Proviſo.

*And be it further enacted by the Authority aforeſaid,* That at the Expiration of ſaid Term of fourteen Years, in the Caſes above mentioned, the ſole

Right

Further term.

Right of printing and diſpoſing of any ſuch Book, Pamphlet, Map or Chart in this State, ſhall return to the Author thereof, if then living, and his Heirs and Aſſigns, for the Term of fourteen Years more, to commence at the End of ſaid firſt Term; and that all and every Perſon or Perſons, who ſhall re-print, import, vend, utter or diſtribute in this State, any Copies thereof without the Conſent of ſuch Proprietor, obtained as aforeſaid, during ſaid ſecond Term of fourteen Years, ſhall be liable to the ſame Penalties, recoverable in the ſame Manner as is herein before enacted and provided.

*And whereas it is equally neceſſary, for the Encouragement of Learning, that the Inhabitants of this State be furniſhed with uſeful Books, &c. at reaſonable Prices.*

Proprietor neglecting to furniſh the public with ſufficient editions, &c.

*Be it further enacted*, That whenever any ſuch Author or Proprietor of ſuch Book, Pamphlet, Map or Chart, ſhall neglect to furniſh the Public with ſufficient Editions thereof, or ſhall ſell the ſame at a Price unreaſonable, and beyond what may be adjudged a ſufficient Compenſation for his Labour, Time, Expence and Riſque of Sale, the Judge of the Superior Court in this State, on Complaint thereof made to him in Writing, is hereby authorized and impowered to ſummon ſuch Author or Proprietor to appear before the next Superior Court, to be holden in that County where ſuch Author or Proprietor dwells, if a Reſident in this State, if not, in that County where ſuch Complainant dwells; and ſaid Court are hereby authorized and impowered to enquire into the Juſtice of ſaid Complaint, and if the ſame be found true, to take ſufficient Recognizance and Security of ſuch Author or Proprietor, conditioned that he ſhall within ſuch reaſonable Time, as ſaid Court ſhall direct, publiſh and offer for Sale in this State, a ſufficient Number of Copies of ſuch Book, Pamphlet, Map or Chart, at ſuch reaſonable Price as ſaid Court ſhall, on due Conſideration affix: And if ſuch Author or Proprietor ſhall, before ſaid Court, neglect or refuſe to give ſuch Security as aforeſaid, the ſaid Court are hereby authorized and impowered to give to ſuch Complainant, a full and ample Licence to reprint and publiſh ſuch Book, Pamphlet, Map or Chart, in ſuch Number and for ſuch Term as ſaid Court ſhall judge juſt and reaſonable: Provided ſaid Complainant ſhall give ſufficient Security before ſaid Court, to affix ſaid reprinted Edition at ſuch reaſonable Price as ſaid Court ſhall thereon affix.

Penalty on ſuch as procure & print unpubliſhed manuſcript, without conſent of the author.

*And be it further enacted*, That any Perſon or Perſons who ſhall procure and print any unpubliſhed Manuſcript, without the Conſent and Approbation of the Author or Proprietor thereof, firſt had and obtained, (if ſuch Author or Proprietor be living, and reſident in, or Inhabitant of theſe United States) ſhall be liable to ſuffer and pay to the ſaid Author or Proprietor his juſt Damages for ſuch Injury; to be recovered by Action brought on this Statute, in any Court of Law in this State, proper to try the ſame.

*Provided always*, That nothing in this Act ſhall extend to affect, prejudice or confirm the Rights which any Perſon may have to the printing or publiſhing of any Book, Pamphlet, Map or Chart, at Common Law, in Caſes not mentioned in this Act, or to ſcreen from legal Puniſhment any Perſon or Perſons who may be guilty of printing or publiſhing any Book, Pamphlet or Paper that may be prophane, treaſonable, defamatory, or injurious to Government, Morals or Religion.

Proviſo.

*Provided alſo*, That this Act ſhall not extend, or be conſtrued to extend in Favour, or for the Benefit of any Author or Perſons reſiding in, or Inhabitants of any other of the United States, until the State or States, in which ſuch Perſon or Perſons reſide or dwell, ſhall have paſſed ſimilar Laws in Favour of the Authors of new Publications, and their Heirs and Aſſigns.

## An Act for preventing and ſuppreſſing of Lotteries.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall preſume, without ſpecial Liberty from the General Court, to ſet up any Lottery for the Sale of Goods, or to ſell, put off, or vend any Parcel, Parcels or Quantity of Goods, Monies, or other Things whatſoever, by way of Lottery; or ſhall preſume by Wagers, Shooting, or any other ſuch like Way or Exerciſe whatſoever, to offer to ſell, vend, put off or diſpoſe of any Goods, Monies, or other Things collected or expoſed to be run at ſuch Adventures; or to ſet up Notifications to entice People to bring in and depoſit, or riſque their Money or Credit for the carrying on the Deſigns aforeſaid, and be duly convicted thereof before any Court or Authority proper to try the ſame, ſhall forfeit the Value of ſuch Goods or Monies, or Things ſo expoſed, or propoſed to be expoſed to Sale, or drawn for: The one Half thereof to him that ſhall proſecute the ſame to Effect, and the other Half to the County Treaſury of that County where the Offence ſhall be committed.

Perſons ſetting up lotteries to ſell goods, &c. to forfeit the value of ſaid goods.

And all Officers, as Grand-jurors and others ordered by Law to make Preſentment of Breaches of Law, are directed (when no Informer or Proſecutor appears) to make Preſentment of the Breaches of this Act.

All officers to make preſentment, &c.

## An Act for the Puniſhment of Man-ſlaughter.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whatſoever Perſon ſhall be guilty of the Crime of Man-ſlaughter, or the wilful killing another Perſon, without Malice forethought, and be thereof legally convicted, by Confeſſion or Verdict, before any of the Superior Courts of this State, ſhall forfeit to the public Treaſury of this State, all the Goods and Chattels to him or her belodging at the Time of committing ſaid Crime; and be further puniſhed by whipping on the naked Body, and be ſtigmatized, or burnt in the Hand with the Letter *M*, on a hot Iron, and ſhall alſo be forever diſabled from giving any Verdict or Evidence in any of the Courts within this State.

Puniſhment for man-ſlaughter, forfeiture of all goods and chattels, whipping and burnt on the hand, &c.

*Provided nevertheleſs,* That if any Perſon in the juſt and neceſſary Defence of his own Life, or the Life of any other, ſhall kill any Perſon attempting to rob or murther in the Field or High-way, or to break into any Dwelling-houſe; if he conceives he cannot with Safety of his own Perſon otherwiſe take the Felon or Aſſailant, or bring him to Juſtice, he ſhall be holden guiltleſs.

Proviſo.

## An Act for regulating and orderly celebrating of Marriages; and for preventing and puniſhing inceſtuous and other unlawful Marriages.

*Foraſmuch as the Ordinance of Marriage is honorable amongſt all; ſo it is yet it ſhould be orderly and decently ſolemnized:*

*BE it therefore enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Perſons ſhall be joined in Marriage, before the Purpoſe or Intention of the Parties proceeding therein, hath been ſufficiently publiſhed in ſome public Meeting or Congregation on the Lord's-Day, or on ſome public Faſt, Thankſgiving, or Lecture-Day, in the Town, Pariſh, or Society where the Parties, or either of

Publiſhment requiſite before marriage and the mode of publiſhing pointed out.

of them do ordinarily reſide; or ſuch Purpoſe or Intention be ſet up in fair Writing, upon ſome Poſt or Door of their Meeting-Houſe, or near the ſame, in public View, there to ſtand ſo as it may be read, eight Days before ſuch Marriage.

None but magiſtrates, juſtices, and miniſters have right to join others in marriage.

That no Perſon whatſoever in this State, other than a Magiſtrate, or Juſtice of the Peace, and that within his own County or Juriſdiction, or ordained Miniſter, and that only within the County wherein he dwells, and during the Time he continues ſettled in the Work of the Miniſtry, ſhall join any Perſons together in Marriage.

Penalty for performing ſaid ordinance without legal publication, and conſent of parents, &c.

Nor ſhall any Magiſtrate, Juſtice of the Peace, or ordained Miniſter, preſume to join any Perſons together in Marriage, before the Purpoſe or Intention of the Parties to be married has been publiſhed as aforeſaid, and before ſuch Magiſtrate, Juſtice or Miniſter is certified of the Conſent of the Parents or Guardians (if any be) of ſuch Parties that are under the Care and Controul of Parents or Guardians, on Pain of forfeiting for every ſuch Offence the Sum of *Twenty Pounds*; one Moiety whereof ſhall be to him or them who ſhall complain of and proſecute the ſame to Effect, and the other Moiety to the Treaſury of the County wherein the Offence ſhall be committed.

Penalty for pulling down or defacing a publiſhment.

And if any Perſon or Perſons ſhall preſume to deface or pull down any Publiſhment ſet up in Writing, as aforeſaid, before the Expiration of eight Days after the Time of its being ſet up; every ſuch Perſon or Perſons ſhall be fined the Sum of *Six Shillings*, or be ſet in the Stocks one whole Hour.

And in order to prevent inceſtuous and unlawful Marriages;

Degrees of kindred forbidden marriage.

*Be it further enacted*, That no Man ſhall marry any Woman within the Degrees of Kindred hereafter named in this Act: That is to ſay, No Man ſhall marry his Grand-father's Wife, Wife's Grand-Mother, Father's Siſter, Mother's Siſter, Father's Brother's Wife, Mother's Brother's Wife, Wife's Father's Siſter, Wife's Mother's Siſter, Father's Wife, Wife's Mother, Daughter, Wife's Daughter, Son's Wife, Siſter, Brother's Wife, Wife's Siſter, Son's Daughter, Daughter's Daughter, Son's Son's Wife, Daughter's Son's Wife, Wife's Son's Daughter, Wife's Daughter's Daughter, Brother's Daughter, Siſter's Daughter, Brother's Son's Wife, Siſter's Son's Wife.

Such marriages null and void.

And if any Man ſhall hereafter marry, or have carnal Copulation with any Woman who is within the Degrees before recited in this Act, every ſuch Marriage ſhall be, and is hereby declared to be null and void: And all Children that ſhall hereafter be born of ſuch inceſtuous Marriage or Copulation, ſhall be forever diſabled to inherit by Deſcent, or by being generally named in any Deed or Will, by Father or Mother.

Penalty.

That every Man and Woman who ſhall marry, or carnally know each other, being within any of the Degrees before mentioned in this Act, and ſhall be convicted thereof before the Superior Court, ſuch Man or Woman ſo convicted, ſhall be ſet on the Gallows the Space of one Hour, with a Rope about each of their Necks, and the other End caſt over the Gallows; and in the Way from thence to the common Gaol, ſhall be ſeverely whipt, not exceeding forty Stripes each.

Stigma, to wear the letter *I*, &c.

Alſo every Perſon ſo offending, ſhall for ever after wear a Capital Letter *I*, two Inches long, and proportionable Bigneſs, cut out of Cloth of a contrary Colour to their Cloaths, and ſewed upon their upper Garment on the out-ſide of their Arm, or on their Back, in open View.

And if any Perſon or Perſons convicted and ſentenced as aforeſaid, for ſuch Offence, ſhall at any Time be found without their Halter ſo worn, during their Abode in this State, they ſhall by Warrant from any one Aſſiſtant or Juſtice of the Peace, be forthwith apprehended, and ordered to be publicly whipt, not exceeding fifteen Stripes; and ſo from Time to Time, *toties Quoties*.

That if any Man or Woman that are within the aforementioned Degrees of Kindred, ſhall hereafter marry contrary to the Intent of this Act, and whoſe

whoſe Marriage is by this Act declared null and void, ſhall be ſo hardy as to converſe together as Man and Wife; or ſhall continue to dwell in the ſame Houſe at any Time; or if any Man or Woman who ſhall hereafter be divorced, or their Marriage declared null and void according to the Laws of this State, ſhall cohabit together as Man and Wife, and be thereof convicted; all and every ſuch Perſon ſhall ſuffer the ſame Pains and Penalties as are by Law ſet and impoſed upon ſuch as ſhall be taken in Adultery.

To be puniſhed as adulterers, in caſe they cohabit, &c.

And it ſhall be in the Power of the Superior Court to aſſign unto any Woman ſo ſeparated, ſuch reaſonable Part of the Eſtate of her late Husband, as in their Diſcretion the Circumſtances of the Eſtate may admit; not exceeding one third Part thereof.

The woman ſo ſeparated, to have part of her huſband's eſtate.

*And whereas the Violation of the Marriage-Covenant is contrary to the Command of God, and deſtructive to the Peace of Families:*

Therefore,

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons in this State, being married, or who ſhall hereafter marry, do at any Time preſume to marry any other Perſon, (the former or other Husband or Wife being alive), or ſhall continue to live together ſo married, that then every ſuch Offender ſhall ſuffer and be puniſhed as in Caſe of Adultery; and ſuch Marriage ſhall be, and is hereby declared to be null and void.

Bigamy puniſhable in the ſame manner as adultery.

Which Offenders ſhall be tried in the County where they ſhall be apprehended.

Where triable.

*Always provided*, That this Act, or any Thing therein contained, ſhall not extend to any Perſon or Perſons whoſe Husband or Wife ſhall be continually remaining beyond the Seas, by the Space of ſeven Years together, of whoſe Husband or Wife ſhall abſent him or her ſelf the one from the other by the Space of ſeven Years together, the one of them not knowing the other to be living within that Time.

Proviſo.

*Provided alſo*, That this Act ſhall not extend to any Perſon or Perſons whoſe Husband or Wife has lately, or ſhall hereafter go to Sea in any Ship or other Veſſel bound from one Port to another, where the Paſſage is uſually made in three Months Time; and ſuch Ship or Veſſel has not been, or ſhall not be heard of in the Space of three full Years next after their putting to Sea from ſuch Port; or ſhall only be heard of under ſuch Circumſtances as may rather confirm the Opinion commonly received, of the whole Company's being utterly loſt.

Proviſo.

But in every ſuch Caſe, the Matter being laid before the Superior Court, and made ſo to appear, the Perſon whoſe Husband or Wife is, or ſhall be in this Manner parted from her or him, may be eſteemed and declared ſingle and unmarried; and upon ſuch Declaration thereof, and Liberty obtained from the ſaid Superior Court, may lawfully marry again; any Thing in this Act to the contrary notwithſtanding.

Caſe to be laid before the ſuperior court.

*Provided alſo*, That this Act ſhall not extend to any Perſon or Perſons that are, or ſhall be at the Time of ſuch Marriage divorced by any Sentence had, or hereafter to be had, as the Law of this State has in that Caſe provided; nor to any Perſon or Perſons where the former Marriage has been, or ſhall hereafter by ſuch Sentence had, be declared to be void, and of none Effect; nor to any Perſon or Perſons for, or by Reaſon of any former Marriage had or made, or hereafter to be had or made within the Age of Conſent: That is to ſay, the Man fourteen Years, and the Woman twelve Years of Age.

Proviſo.

*And be it further enacted by the Authority aforeſaid*, That if any Man be found in Bed with another Man's Wife; the Man and Woman ſo offending, being thereof convicted, ſhall be ſeverely whipt, not exceeding thirty Stripes; unleſs it appears upon Trial, that one Party was ſurprized, and did not conſent, which ſhall excuſe ſuch Party from the Puniſhment.

Any man found in bed with another man's wife, both to be whipt, unleſs, &c.

Penalty on men and women that wear contrary apparel.

And that if any Man ſhall wear Woman's Apparel, or if any Woman ſhall wear Men's Apparel, and be thereof duly convicted; ſuch Offenders ſhall be corporally puniſhed or fined at the Diſcretion of the County Court, not exceeding *Five Pounds*, for the Uſe of the Treaſury of the County where the Offence is committed.

## An Act for regulating Maritime Affairs.

Preamble.

*WHEREAS, through the Bleſſing of God upon this State, the Navigation and Maritime Affairs thereof are grown to a conſiderable Intereſt; the well Management whereof is of great Concernment to the public Weal: And for the better ordering the ſame, and that there may be known Laws and Rules for all Sorts of Perſons employed therein, according to their ſeveral Stations and Capacities:*

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,*

### SECTION I.

Minor part owners to be concluded by the major part.

*That whereas there are many Times Differences between Owners of Ships, Ketches, Barques, Sloops, and other Veſſels in ſetting forth their ſeveral Parts; whereby Damage doth accrue to the particular Concernment of Owners; and if not prevented may be a great Obſtruction of Trade, where there are ſeveral concerned as Owners, in any Ship, Ketch, Barque, Sloop or other Veſſel whatſoever uſed for Traffic, Commerce, Fiſhing, Log, Board, Wood or Stone Carriage, upon ſalt or freſh Water:* All ſuch Owners of leſſer Part ſhall be concluded in ſetting forth of their Part, by the major Part of the Whole concerned; ſuch Owners ſo concluded, having Notice given them of the Meeting, and of ſuch Concluſion, if they be nigh Hand.

Any owner failing to provide, &c. maſter may bottomry.

*And in Caſe of any Owner refuſing, or by Reaſon of Neglect or Abſence, or not able to provide for the ſetting forth his Part,* The Maſter of ſuch Ship or Veſſel may take up upon the Bottom for the ſetting forth of the ſaid Part; the which being defrayed, the Remainder of the Income of ſuch Part to be paid by the Maſter to the ſaid Owner.

### SECTION II.

Owners refuſing to ſign charter party, to make proteſt, &c.

*And in Caſe of Freightment, where any Owner ſhall refuſe to aſſent to the letting out of Ship or Veſſel, where he is intereſted,* ſuch Diſſenter ſhall manifeſt by ſome public Act of Proteſt, before the ſigning of Charter-Party; except the Maſter, the Reſt of the Owners, or both conceal from him or them the Acting, then his or their Proteſt after Charter-Party ſigned by themſelves or Agents, ſhall be taken for legal Diſſent, yet not to hinder the Proceed of the Ship or Veſſel, but that thoſe ſo ſending her forth, ſhall be liable to reſpond his Part upon Inſurance, according to the Cuſtom of Merchants; which Inſurance is to be defaulked out of that Part of Hire due for ſuch Owners which diſſented.

### SECTION III.

*Whereas Maſters of Ships or other Veſſels, have their Owners live Part in one Country and Part in another, whereby they have in themſelves not only Opportunity and ſome have made Uſe thereof, in their own Perſons to repreſent the major Part of the Owners in the Place where they come.*

Maſter to have but ſingle vote, unleſs, &c.

*It is therefore enacted by the Authority aforeſaid,* That ſuch Maſter ſhall be taken to have Vote in the ordering of ſuch Veſſel further than his own Intereſt, except he make it appear to the Reſt of the Owners where he is that he is authorized under the Hands of ſuch Owners abſent, and then he is to have Votes according to the Proportion of Parts he ſo ſtands for, and the Majority of Parts are to carry it as before: Nevertheleſs it is to be underſtood, that any Owner hath Power to make Sale of his Part, either to the reſt of the Owners, or others, as may be moſt to his own Advantage:

if any Maſter ſhall preſume to act contrary hereunto, what Damage ſhall be ſuſtained by the reſt of the Owners, the Maſters ſhall be liable to make good, it being duly proved againſt him.

## SECTION IV.

Every Maſter taking Charge as Maſter of any Ship, or other Veſſel, and not being ſufficient to diſcharge his Place, or that through Negligence or otherwiſe, ſhall embezel the Owner's or Employer's Stock or Time, or ſhall ſuffer his Men to neglect their due Attendance on Board, both by Day and Night, eſpecially whilſt Merchants Goods are on Board, and that himſelf or Mate be not on Board every Night to ſee good Orders kept; upon defect therein, ſuch Maſter ſhall be liable to pay the Damage that ſhall accrue by ſuch Neglect, it being duly proved againſt him.

Penalty on maſters not attending on board.

## SECTION V.

*For the Maſters better ſecuring their Men to them, and to prevent all coven,* They ſhall make clear Agreements with their Mariners and Officers for their Wages; and thoſe Agreements enter into a Book, and take the ſeveral Men's Hands thereto; a Copy whereof, the Maſter as a Portlidge Bill, ſhall leave with the Owner, if required of them before their ſetting ſail upon the Voyage; and all ſuch Agreements the Maſter ſhall make good to the Seamen, and ſuch Ship or Veſſel as they ſail in, ſhall be liable for to make good the ſame.

Maſters to make particular agreements with ſeamen.

## SECTION VI.

All Maſters of greater or leſſer Veſſels, ſhall make due and meet Proviſions of Victuals and Drink for their Seamen and Paſſengers, as the Cuſtom and Capacity of the Places they ſail from will admit, upon Penalty of paying Damages ſuſtained for Neglect thereof.

Maſters to make due proviſions.

## SECTION VII.

That no Maſter ſhall ſhip any Seaman or Mariner, that is ſhip't before by another Maſter, or employed upon a Voyage, nor ſhall any Seaman ſhip himſelf with any other Man, until he be diſcharged from him that ſhip't him firſt; upon Penalty of him that entertains him to pay one Month's Wages that ſuch Seaman agrees for, as alſo of ſuch Seaman ſhipping himſelf to pay one Month's Wages that he agrees for; the Half thereof to be paid to the Uſe of the Poor of the Town or Place where the Offence is committed, the other Half to the Complainer or Informer.

Penalty for ſhipping ſeamen belonging to other veſſels.

## SECTION VIII.

No Maſter of Ship or Veſſel ſhall ſail into any Haven or Port, except neceſſitated thereunto by Wind or Weather, for the Want of Proviſion, or for ſecurity from Pirates, but ſuch Port as by Charter-Party, or his Bills of Loading he is bound unto, until he hath delivered his Goods according to his Engagement; and in Caſe any Maſter ſhall take in Goods for more Ports or Places than one, he ſhall declare himſelf ſo to do, to thoſe that freight upon him; and in Caſe he ſhall voluntarily go to any other Port or Harbour than he is obliged to as aforeſaid, if Damage to the Merchant's Goods happen thereby, ſuch Maſter ſhall make good the ſame, it being duly proved againſt him.

Maſter not to deviate in the voyage, unleſs neceſſitated, &c.

## SECTION IX.

Any Maſter hired out, or employed by his Owners upon any Voyage, receiving Advice from his Employers, that the Alteration of the Voyage when they are abroad may be much for their Security and Advantage, by going to ſome other Port, the Maſter ſeeing meet to cloſe with that Advice, the Mariners ſhall not hinder his Proceed, unleſs where any of the Seamen ſhall have made a particular Contract with the Maſter to the contrary.

Unleſs in certain caſes.

*Provided*, That they be not carried to ſtay out above one Year, nor be carried to any Place where they may be liable to be preſſed into a Service they are not willing unto.

Proviſo.

## SECTION X.

Wages to be paid according to agreement.

Maſters ſhall ſee their Officers and Mariners be duly paid their Wages, according to Agreement made with them, upon the finiſhing of their Voyage, without Delay or Trouble; upon Penalty of paying Damages for neglect, and all Coſts that the Seamen ſhall be at for the recovering the ſame.

## SECTION XI.

*Whereas many Times Maſters take in Merchants Goods on Board their Ships or Veſſels upon Freight, when yet they are not meetly fitted with ſuitable Tackling, and Seamen, for the Security of ſuch Ships or Veſſels and Goods.*

Maſters, ſhips and ſeamen to bear loſs of goods damnified by their neglect, &c.

*Be it further enacted by the Authority aforeſaid*, That in Caſe any Maſter of Ship or Veſſel, after he hath laden upon his Ship or Veſſel any Merchants Goods to be tranſported, ſhall, for want of ſufficient Ground-Tackle, (if to be had) or becauſe of want of ſufficient Men being on Board, come aſhore to the Damage of ſuch Merchants or Freighters in their Goods, the Ship ſhall be liable to make good ſuch Damages; and in Caſe the Defect appear to be in the Maſter and Men, both or either, the Owners ſhall recover ſuch Damage from them.

## SECTION XII.

Damage of goods when ſhips fail foul &c.

Where any Ship-Maſter hath moored his Ship or Veſſel, none other ſhall come ſo near to him firſt moored, as to do him Damage, or receive Damage by him; upon the Penalty of him ſo coming, to make good all the Damage, and to be further puniſhed if Wilfulneſs or Perverſeneſs in the Action be proved againſt him.

## SECTION XIII.

Maſter running on board any ſhip at anchor, &c.

In Caſe any Maſter of Ship or Veſſel under Sail, ſhall run on Board any other Ship or Veſſel at an Anchor, and damnify him, the Party offending ſhall pay the Damage, and ſuch Ship or Veſſel as he ſails in ſhall be liable to Arreſt for the making good the Damage: The Damage to be judged by indifferent Men appointed by the Judges thereof; unleſs the Parties agree amongſt themſelves.

## SECTION XIV.

Goods thrown overboard to ſave the reſt, to be made good by average.

In Caſe of Loſs of Goods by Reaſon of throwing ſome over board to ease the Veſſel to ſave the reſt, (which throwing over of Goods ſhall not be done without the Maſter and major Part of the Company's Conſent; or at leaſt of the Officers with the Maſter:) Which Goods ſhall be brought into a Average, and the whole Loſs to be borne by Ship and Goods and Wages in Proportion that are ſaved: The like Courſe ſhall be for cutting of Maſts and loſs thereof; or Boats, Cables or Anchors; as alſo of Rigging and Sails for the Safety of the Whole; the Merchants Goods are to bear a Part of the Loſs.

## SECTION XV.

Damage by inſufficient bottom.

In Caſe a Ship or Veſſel at ſetting forth, proves deficient, and gives over the Voyage, the Charges the Merchant hath ſuſtained in ſhipping and landing his Goods, ſhall be borne by the Maſter and Owners of ſuch Veſſel that preſumes to take Goods into an inſufficient Bottom.

## SECTION XVI.

Damage at ſea.

Any Ship or Veſſel at Sea receiving Damage by the Maſter's or Mariners Negligence, yet bringing the Merchant's Goods home, and delivereth them according to Bills of Lading, he ſhall receive his Freight: But if the Goods be damnified, the Maſter or Mariners ſhall make good the Damage.

## SECTION XVII.

Damage by ſhips breaking looſe for want of ground tackle.

If any Ship or Veſſel in Storm, ſhall break looſe, and fall upon another and do her Damage for want of Ground-Tackle, the Ship breaking loose ſhall make good the Damage: But if it appear the Maſter or Mariners, or both, are negligent of freſhing their Hawſe, or clearing their Cables, they ſhall pay the Damage for ſuch Neglect.

## SECTION XVIII.

All

All Mariners being ſhipt upon a Voyage, and in Pay, ſhall duly attend the Service of the Maſter's Ship or Veſſel for the Voyage, and not abſent themſelves by Day or Night, without Leave from the Maſter, upon forfeiting for every Offence the Sum of *Five Shillings*. Mariners not to be abſent without leave

SECTION XIX.

No Officers or Mariners ſhall be diſorderly or unruly to occaſion Diſturbance in the Ship or other Veſſel he is ſhipped upon, to hinder or damnify the Voyage; to be proved by the Maſter or other Mariners, or both, upon Penalty of paying the Damage, if able; and in Caſe of Inability to pay, to ſuffer corporal Puniſhment, as the Nature of the Offence may require: And in Caſe the Maſter ſhall conceal the Offences of ſuch, and refuſe to give Evidence therein, they ſhall be amerced or impriſoned, as the Judges ſhall ſee meet. Officers or mariners diſorderly, how puniſhed.

SECTION XX.

If any ſhall undertake the Charge of Pilot, Boatſwain, Gunner, or any other Office in Ship or other Veſſel, and not be able to diſcharge the Duty of the Place; ſuch ſhall loſe their Wages in Part or in Whole; and be further puniſhed for their Preſumption, as the Judges ſhall ſee meet. Ignorance how puniſhed.

SECTION XXI.

All Mariners ſhall keep true Watch at Sea or in Harbour, as the Maſter ſhall appoint, upon pain of forfeiting *One Shilling* for every Default, to be defaulked out of their Wages. Watch to be kept.

SECTION XXII.

Any Mariner that hath entered upon a Voyage, and ſhall depart, and leave the Voyage, ſhall forfeit all his Wages; one half to the Poor, the other half to the Maſter and Owners, and be further puniſhed by Impriſonment, or otherwiſe, as the Caſe may be circumſtanced; to be judged by the Magiſtrate or Magiſtrates which are complained to, excepr ſuch Seaman ſhall ſhew juſt Cauſe for his ſo leaving the Voyage, and ſhall procure an Order therefor from Authority. Mariners deſerting the voyage.

SECTION XXIII.

If any Mariner ſhall have received any conſiderable Part of his Wages, and ſhall run away from the Ship or Veſſel he belongs to, and decline the Service of the Maſter in the Proſecution of the Voyage; he ſhall be purſued as a diſobedient run-away Servant, and proceeded with as ſuch an one. Run away mariners.

SECTION XXIV.

If any Mariner ſhall entertain any Perſon or Perſons, on board the Ship or Veſſel he ſails in, without the Maſters Leave; or if Maſters or Mariners ſhall do it at unreaſonable Times; he or they ſhall forfeit *Twenty Shillings*, one half to the Poor, the other half to the Owners. Mariners entertaining others without leave.

SECTION XXV.

No Seaman or Seamen, or Officer, ſhall commit any Outrage upon the Maſter of any Ship or Veſſel; but thoſe ſo offending ſhall be ſeverely puniſhed by Fine, or corporal Puniſhment, as the Fact ſhall appear to be circumſtanced to the Judges that ſhall hear it, and as they ſhall judge meet. If any Officers or Mariners ſhall combine againſt the Maſter, whereby the Voyage ſhall be diverted, or hindred, or that Damage thereby ſhall accrue to the Ship and Goods; they ſhall be puniſhed with loſs of Wages, or otherwiſe, as Mutineers, as the Caſe may require. Outrage on the maſter.

SECTION XXVI.

In Caſe any Ship or Veſſel be in Diſtreſs at Sea, by Tempeſt or other Accident, the Mariners ſhall do their utmoſt Endeavour to aſſiſt the Maſter in ſaving Ship and Goods; and not deſert him without apparent Hazard that by ſtaying they may loſe their Lives. Ships in diſtreſs not to be left.

SECTION XXVII.

And in Caſe of ſuffering Shipwreck, the Mariners are, without Diſpute, upon their getting on Shore, to do their utmoſt Endeavour to ſave the Ship Mariners duty to do their utmoſt in ſhip wrecks to ſave goods.

Ship or Veſſel, Tackle and Apparel; as alſo the Merchants Goods as much as may be; out of which they ſhall have a meet Compenſation for their Hazard and Pains: And upon Conviction of Negligence therein, ſhall be puniſhed according to the Demerit of the Offence.

## An Act relating to Maſters, and Servants or Apprentices.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Man that is neither married, nor hath any Children, nor Servant, nor is a public Officer, ſhall keep Houſe of himſelf, without the Conſent of the Town where he lives, under Penalty of *Twenty Shillings* per Week.

Single perſons not to keep houſe, &c. unleſs, &c.

That no Perſon under the Government of a Parent, Guardian or Maſter ſhall be capable to make any Contract or Bargain, which in the Law ſhall be accounted valid, unleſs the ſaid Perſon be authorized or allowed ſo to Contract or Bargain, by his or her Parent, Guardian or Maſter; in which Caſe ſuch Parent, Guardian or Maſter ſhall be bound thereby.

Perſons under parents, &c. incapable to contract, &c.

That no Servant Man or Maid, ſhall either give, buy, ſell or exchange any Commodity whatſoever, without Licence from their Maſter, during the Time of their Service, under Pain of Fine or corporal Puniſhment, as the Offence ſhall deſerve, by the Judgment of the Court.

Servants not to trade without licence.

*And whereas ſome ſtubborn, refractory and diſcontented Servants and Apprentices, do ſometimes withdraw themſelves from their Maſters Service:*

*Be it therefore further enacted by the Authority aforeſaid,* That whatſoever Servants or Apprentices of fifteen Years of Age, or upwards, ſhall unjuſtly offend in that Kind, by withdrawing or abſconding from their Maſters Service, before their Covenants or Term of Service are expired, they ſhall ſerve their Maſters the treble Term, or threefold the Time of their Abſence in ſuch Manner.

Apprentices to ſerve treble time for abſconding, &c.

And when any Servant, Servants or Apprentices ſhall run from their Maſters, it ſhall be lawful for the next Aſſiſtant, or Juſtice of the Peace, Conſtable, and two of the chief Inhabitants in ſuch Town where no Aſſiſtant or Juſtice is, to preſs Men and Boats, (if Occaſion be) at the Maſters Requeſt and Charge, to purſue ſuch Servants and Apprentices, by Sea or Land, and to bring them back by Force.

Run away ſervants to be purſued.

That if any Servant or Apprentice ſhall flee from the Tyranny or Cruelty of his or her Maſter, to the Houſe of any Inhabitant of the ſame Town whereto he or ſhe belongs, ſuch Servant or Apprentice ſhall be there protected and ſuſtained till due Order be taken for his or her Relief.

Servants protected and relieved from the cruelty of their Maſters.

*Provided,* Due Notice thereof be forthwith given to his or her Maſter and to the next Aſſiſtant or Juſtice of the Peace: Which Authority ſhall cauſe ſaid Maſter and Servant, or Apprentice, to come before him, and ſhall reconcile them if he can; but if not, may, according to his Diſcretion, bind over the ſaid Maſter to the next County Court; and alſo bind over ſaid Servant or Apprentice to ſaid Court, or give Orders for his or her ſafe Cuſtody in the mean Time, and for his or her Appearance before ſaid Court: Which Court on hearing the Matter may upon Default found in the Maſter, diſcharge ſuch Servant or Apprentice from his or her Indenture and Service.

Proviſo.

If default in the maſter, &c.

And if Default be found in the Servant or Apprentice, may inflict ſuch proper Puniſhment upon him or her, as the ſaid Court in their Diſcretion ſhall think fit.

If in the ſervant, &c.

## An Act directing how to proceed when it ſhall be neceſſary to build a Meeting-Houſe for divine Worſhip.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when any religious Society, allowed to be ſuch by this Aſſembly; or eſtabliſhed and approved by the Laws of this State, (thoſe only tolerated by the Laws of this State, and diſſenting from us, excepted) ſhall by their Vote (wherein two-third Parts of the Inhabitants, qualified by Law to vote, and preſent in the Meeting of ſuch Society) declare it to be neceſſary to build a Meeting-Houſe; every ſuch Society, ſhall apply to the County Court in the County where ſuch Society, or the greater Part thereof is ſituate, to appoint and affix the Place whereon their Meeting-Houſe ſhall be erected and built.

When a meeting houſe is to be built, application to be made to the county court.

And the County Courts in the reſpective Counties, are hereby authorized and impowered to hear all concerned, and take proper Meaſures for affixing ſuch Place; and to appoint, order and affix the Place whereon their Meeting-Houſe ſhall be erected and built: Which being done, concluded and aſcertained by the Judgment of the County Court, in the County where ſuch Society, or the major Part thereof is ſituate; the Committee of ſuch Society ſhall forthwith give due Notice to the Inhabitants thereof to meet at ſome ſuitable Time and Place, to authorize and appoint ſome meet Perſons to be a Committee for ſetting up, building and finiſhing an Houſe proper and ſuitable for ſuch Uſe, on the Place appointed, as aforeſaid.

To affix the place.

At which Meeting the ſaid Society ſhall proceed to grant and levy a Tax on the Inhabitants of ſuch Society, to be collected and paid to the Society Treaſurer, to enable ſaid Society to go forward with the ſaid Building.

To tax.

And the Clerk of the Society ſhall keep the Account of their Diſburſements: And every ſuch Clerk ſhall certify the County Court which gave ſuch Order, the Doings of the Society at their next Seſſions after fixing the Place, as aforeſaid; as alſo the Progreſs of the Committee in building ſuch Houſe, to each County Court in the County at their ſtated Seſſions, till the Houſe be finiſhed. And for every neglect of his Duty therein, ſhall incur the Penalty of *Two Pounds* to the County Treaſury in ſuch County: To be recovered of ſuch Clerk before the County Court in the County where the Society is ſituate; by Action, Bill, Plaint or otherwiſe as the Law will allow.

Clerk of the ſociety to certify their doings to the county court.

Penalty for neglect.

*Be it further enacted by the Authority aforeſaid,* That if the County Court in ſuch County do find by the Clerk's Certificate, that the Inhabitants of ſuch Society do not proceed to ſet up and finiſh a Meeting-Houſe at the Place appointed, as aforeſaid, and certify the ſame to this Aſſembly; this Aſſembly will aſſeſs and levy upon ſuch Society, from Time to Time, ſuch Sum and Sums of Money as may be needful, to ſet up and finiſh ſuch Meeting-Houſe: Which ſhall be by Order of this Aſſembly accordingly improved.

Aſſembly to tax in caſe, &c.

And every ſuch Sum of Money ſhall be by the Treaſurer of the State added to the public Tax of the Society, and gathered as a Part of the public Tax, by the Conſtable who gathers the State Rate, and paid into the public Treaſury, to be re-imburſed for the Uſe aforeſaid: Who ſhall by Order of this Aſſembly, deliver the ſame to ſuch Perſon or Perſons as by Aſſembly ſhall be appointed.

How reimburſed.

*And be it further enacted by the Authority aforeſaid,* That it ſhall not be lawful for any of the Societies aforeſaid, or for any Part of ſuch Society to build or ſet up any Meeting-Houſe for religious Worſhip, without procuring the County Court in the County where ſuch Society is ſituate, firſt to ascertain the Place for it, as in this Act is limited and provided.

Not to build, &c. except, &c.

And whoſoever ſhall tranſgreſs this Order, ſhall incur the Penalty of

*Forty*

On penalty of 40l.

*Forty Pounds*, to the Treaſury of ſuch County: To be recovered before the County Court in the County where the Tranſgreſſion is committed.

Charge to be borne by the ſociety.

And the Proceedings in ſettling and affixing ſuch Meeting-Houſe Place ſhall be at the Charge of the Society where ſuch Houſe is needed: And ſuch County Court ſhall be allowed the Fees for their Judgment thereon, as in the Trial of other Cauſes.

## An Act for preſerving due Order in Town-Meetings, Society-Meetings, and in the Meetings of other Communities; and for preventing Tumults therein.

Preamble.

*WHEREAS the Peace and good Order of Towns, Societies and other Communities do very much depend on their peaceably and orderly carrying on and managing their Affairs in their Meetings, and their regularly proceeding therein.*

Therefore,

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when any Town, Society or Proprietors Meeting, or the Meeting of any other Community is lawfully aſſembled, if any Perſon or Perſons whatſoever, ſhall in ſuch Meeting or Aſſembly, by tumultuous Noiſe, Quarrelling, or by any unlawful Act, diſturb ſuch Meeting, or hinder the Members thereof from proceeding in an orderly and peaceable Manner to the Choice of their Moderator, or after the Choice of ſuch Moderator, ſhall vilify or abuſe him, or interrupt him in the Diſcharge of his Truſt; or after he hath commanded Silence in ſuch Meeting, ſhall ſpeak in the Meeting to the Diſturbance of the Buſineſs of the Meeting, without the Moderator's Leave firſt had and obtained, (unleſs it be to aſk reaſonable Liberty to ſpeak) ſuch Perſon or Perſons ſo offending in any of the Particulars above-mentioned, contrary to the Intent of this Act, ſhall for every ſuch Offence forfeit and pay a Fine of *Five Shillings* to the Treaſurer of the Town where the Offence is committed.

Penalty for diſturbing any meeting, &c.

Triable by an aſſiſtant or juſtice.

All Offences againſt this Act to be heard and determined by any one Aſſiſtant or Juſtice of the Peace; unleſs the Offence be aggravated by ſome notorious Breach of Peace; in which Caſe the Offenders ſhall be bound over by ſuch Aſſiſtant or Juſtice, to the next County Court, to anſwer for ſuch Offence: Which Court may impoſe ſuch Fine as the Aggravations of the Offence, in their Judgment, deſerves; not exceeding *Ten Pounds*.

Adjournments to be by major part.

And that no ſuch Meeting ſhall be adjourned, but by the major Part of the Members preſent.

## An Act for forming, regulating, and conducting the military Force of this State.

Preamble.

*WHEREAS the Defence and Security of all free States depends (under God) upon the Exertions of a well regulated and diſciplined Militia.*

Wherefore,

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all male Perſons from ſixteen Years of Age to Forty-five, ſhall conſtitute the military Force of this State, except Members of the Council, of the Houſe of Repreſentatives, and of the Congreſs of the United States for the Time being, the State Treaſurer, and Secretary, Juſtices of the Peace, field, commiſſioned and ſtaff Officers, honourably diſcharged, Miniſters of the Goſpel, the Preſident, Tutors and Students of College, Phyſicians and Surgeons, Select-men, conſtant School-maſters, one Miller to each Griſt-mill, being approved by the Select-men, and having a Certificate thereof, conſtant Mariners, who

Who obliged to bear arms, and who exempt.

who make it their conſtant Buſineſs to go to Sea, Sheriffs and Conſtables, conſtant Ferrymen, Perſons diſabled through Lameneſs or other bodily Infirmity, during the Continuance of ſuch Diſability, producing a Certificate thereof from two able Phyſicians, to the Acceptance of his or their commiſſioned Officers, non-commiſſioned Officers and Privates who have inliſted or ſhall hereafter inliſt into the *Connecticut* Line of the Army of the United States, for the Term of the preſent War, and have faithfully ſerved for ſaid Term, or obtained an honourable Diſcharge, and Indians, Negroes and Molattoes.

Proviſo.

*Provided nevertheleſs*, That ſuch military Officers, and all Houſholders and others not fifty-five Years of Age, ſhall give their Attendance on Days appointed for viewing of Arms, as hereafter directed; and ſuch Officers ſhall be ſubject to do their Proportion of military Duty, when called by a ſuperior Officer, in the Office they have reſpectively ſuſtained.

*And whereas ſundry Perſons have heretofore obtained Diſcharges from military Duty, on account of temporary Diſorders and Infirmities of Body, which in many Inſtances are removed, and others have obtained ſuch Diſcharges from an Abuſe of the Proviſions of the Law heretofore in force for that Purpoſe.*

Therefore,

When diſcharges ſhall not avail to exempt from military duty.

*Be it enacted by the Authority aforeſaid*, That no able-bodied and effective Man, in the Judgment of the commiſſioned Officers of the Company, within the Limits of which he may belong, ſhall on Account of ſuch Diſcharges, be exempted from military Duty, but ſhall be enrolled in their reſpective Companies, agreeable to the Proviſions of this Act, and be liable to do Duty in ſuch Companies as others by Law are, ſuch Diſcharges notwithſtanding.

Companies to remain the ſame, &c.

*Be it further Enacted* That the military Companies ſhall continue and remain as they now are, in reſpect to the Lines of Diviſion and Boundaries and Order of Dignification.

Divided into regts. & brigades, &c.

And that the ſeveral military Companies aforeſaid ſhall be divided into Regiments, Brigades and Diviſions, in Manner following, viz.

1ſt. Regt.

Thoſe in the Towns of *Hartford*, *Windſor*, *Suffield*, and that Part of the Town of *Farmington* laying in the Pariſh of *Wintonbury*, ſhall conſtitute the firſt Regiment.

2d. Regt.

Thoſe in the Towns of *New-Haven*, *Milford*, *Derby* and *Woodbridge*, ſhall conſtitute the ſecond Regiment.

3d. Regt.

Thoſe in the Towns of *New-London* and *Lyme*, ſhall conſtitute the third Regiment.

4th regt.

Thoſe in the Towns of *Fairfield*, *Stratford* and *Reading*, ſhall conſtitute the fourth Regiment.

5th regt.

Thoſe in the Towns of *Windham*, *Mansfield*, *Coventry* and *Aſhford*, ſhall conſtitute the fifth Regiment.

6th regt.

Thoſe in the Towns of *Wethersfield* and *Glaſtenbury*, ſhall conſtitute the ſixth Regiment.

7th regt.

Thoſe in the Town of *Say-Brook*, *Killingworth* and *Haddam*, ſhall conſtitute the ſeventh Regiment.

8th regt.

Thoſe in the Towns of *Stonington*, *Preſton* and *Groton*, ſhall conſtitute the eighth Regiment.

9th regt.

Thoſe in the Towns of *Norwalk*, *Stamford* and *Greenwich*, ſhall conſtitute the ninth Regiment.

10th regt.

Thoſe in the Towns of *Wallingford*, *Cheſhire* and *Durham*, ſhall conſtitute the tenth Regiment.

11th regt.

Thoſe in the Towns of *Pomfret*, *Killingly* and *Woodſtock* (except the South Company in ſaid *Killingly*) ſhall conſtitute the eleventh Regiment.

12th regt.

Thoſe in the Towns of *Lebanon*, *Hebron*, and the Company in the Society of *Marlborough* in *Colcheſter*, ſhall conſtitute the twelfth Regiment.

13th regt. Thoſe in the Towns of *Woodbury*, *Waſhington*, *New-Milford* and *Kent*, ſhall conſtitute the thirteenth Regiment.

14th regt. Thoſe in the Towns of *Cornwall*, *Sharon*, *Saliſbury*, *Canaan* and *Norfolk*, ſhall conſtitute the fourteenth Regiment.

15th regt. Thoſe in the Towns of *Farmington*, (excluſive of that Part thereof lying in the Pariſh of *Wintonbury*,) and *Southington*, ſhall conſtitute the fifteenth Regiment.

16th regt. Thoſe in the Towns of *Danbury*, *Ridgefield*, *Newtown* and *New-Fairfield*, ſhall conſtitute the ſixteenth Regiment.

17th regt. Thoſe in the Towns of *Litchfield*, *Goſhen*, *Torrington* and *Harwinton*, ſhall conſtitute the ſeventeenth Regiment,

18th regt. Thoſe in the Town of *Symſbury*, ſhall conſtitute the eighteenth Regiment.

19th regt. Thoſe in the Towns of *Eaſt-Windſor*, *Enfield*, *Bolton* and *Eaſt-Hartford*, ſhall conſtitute the nineteenth Regiment.

20th regt. Thoſe in the Town of *Norwich*, ſhall conſtitute the twentieth Regiment.

21ſt regt. Thoſe in the Towns of *Plainfield*, *Canterbury*, *Voluntown*, and the South Company in *Killingly*, ſhall conſtitute the twenty-firſt Regiment.

22d regt. Thoſe in the Towns of *Tolland*, *Somers*, *Stafford*, *Wellington* and *Union*, ſhall conſtitute the twenty-ſecond Regiment.

23d regt. Thoſe in the Towns of *Middletown* and *Chatham*, ſhall conſtitute the twenty-third Regiment.

24th regt. Thoſe in the Towns of *Eaſt-Haddam* and *Colcheſter*, (except the Company in *Marlborough* in ſaid *Colcheſter*) ſhall conſtitute the twenty-fourth Regiment.

25th regt. Thoſe in the Towns of *New-Hartford*, *Hartland*, *Winchester*, *Barkhamſted* and *Colebrook*, ſhall conſtitute the twenty-fifth Regiment.

26th regt. Thoſe in the Towns of *Waterbury* and *Watertown*, ſhall conſtitute the twenty-ſixth Regiment.

27th regt. Thoſe in the Towns of *Guilford* and *Branford*, ſhall conſtitute the twenty-ſeventh Regiment.

Where companies are divided. And where, by the diviſion of Companies into Regiments, which hath or ſhall be made, it ſhall ſo happen that a Company ſhall be divided, and part into one Regiment and part into another, in ſuch Caſe the minor Part of ſuch Company ſhall belong to the Regiment to which the major Part belongs.

Regiments formed into Brigades. And the ſeveral Regiments ſhall be formed into Brigades, in Manner following, viz.

Bounds of the 1ſt brigade. The firſt, ſixth, nineteenth and twenty-ſecond Regiments, ſhall conſtitute the firſt Brigade.

2d brigade. The ſecond, ſeventh, tenth, twenty-third, twenty-ſixth and twenty-ſeventh Regiments, ſhall conſtitute the ſecond Brigade.

3d. brigade. The third, eighth, twentieth and twenty-fourth Regiments, ſhall conſtitute the third Brigade.

4th Brigade. The fourth, ninth, thirteenth and ſixteenth Regiments, ſhall conſtitute the fourth Brigade.

5th Brigade. The fifth, eleventh, twelfth and twenty-firſt Regiments, ſhall conſtitute the fifth Brigade.

6th Brigade. The fourteenth, fifteenth, ſeventeenth, eighteenth and twenty-fifth Regiments, ſhall conſtitute the ſixth Brigade.

Light dragoons form'd into regiments. *And be it further Enacted*, That the Companies of Light-Dragoons which have, by virtue of the Laws heretofore made, been formed out of the Regiments of Infantry, ſhall be formed into Regiments in Manner following, viz.

1ſt. Regt. Thoſe in the firſt, ſecond, ſixth, ſeventh, tenth and twenty-third Regiments of Infantry, ſhall conſtitute the firſt Regiment.

2d. Regt. Thoſe in the third, eighth, twelfth, twentieth, twenty-fourth and twenty-ſeventh Regiments of Infantry, ſhall conſtitute the ſecond Regiment.

3d. Regt. Thoſe in the fourth, ninth and ſixteenth Regiments of Infantry, ſhall conſtitute the third Regiment.

Thoſe

Thoſe in the fifth, eleventh, nineteenth, twenty-firſt and twenty-ſecond Regiments of Infantry, ſhall conſtitute the fourth Regiment. 4th Regt.

Thoſe in the thirteenth, fourteenth, fifteenth, ſeventeenth, eighteenth and twenty-fifth Regiments of Infantry, ſhall conſtitute the fifth Regiment. 5th Regt.

*Be it further Enacted by the Authority aforeſaid*, That the Governor of this State for the Time being, ſhall be Captain-General and Commander in Chief, and the Lieutenant-Governor for the Time being, ſhall be Lieutenant-General of and over all the military Force of this State; and there ſhall be appointed by the General Aſſembly, as may be neceſſary, one Brigadier-General to the Command of each Brigade, and one Lieutenant-Colonel Commandant, and one Major to each Regiment of Infantry, and one Major in each of ſaid Regiments of Cavalry, to be commiſſioned by the Governor; and in every Infantry Company where there are ſixty-four Soldiers beſides Officers, there ſhall be one Captain, one Lieutenant, and one Enſign, four Serjeants, four Corporals, one Drummer and one Fifer; and where there are thirty-two Soldiers, there ſhall be one Lieutenant and one Enſign, two Serjeants, two Corporals, one Drummer and one Fifer; and where there are but twenty-four ſoldiers, there ſhall be one Lieutenant, two Serjeants, two Corporals and one Fifer; and in every Company of Cavalry of forty ſoldiers (which Number no Company ſhall exceed) there ſhall be one Captain, one Lieutenant, one Cornet and one Quarter-maſter, four Corporals, one Clerk and one Trumpeter, which Officers the reſpective Companies have Liberty to nominate, the Individuals of ſaid Companies being notified by their reſpective commanding Officers that he is about to lead them to the Choice of ſuch commiſſioned Officers; and in Caſe of the Infantry, the Houſholders, and others by Law obliged to keep Arms, at leaſt three Days before ſuch Choice; and all commiſſioned Officers ſhall be eſtabliſhed by the General Aſſembly, and the non-commiſſioned Officers by Warrant from the commanding Officer of the Regiment to which they belong. Governor Captain-General, Lieut. Governor Lieut. General.

Subordinate officers how appointed.

*And be it further enacted by the Authority aforeſaid*, That the Captain-General or Commander in Chief, or in his Abſence, the Lieutenat-General is hereby authoriſed and impowered, as he may judge neceſſary, upon Occaſion of Alarm, Invaſion, or Notice of the Appearance of an Enemy, either by Sea or Land, to order the Whole or any Part of the military Force of this State to be aſſembled in martial Array, and put in warlike Poſture, and the ſame lead, order, or employ for the aſſiſting or relieving any of the Inhabitants of this or the neighbouring States attacked by an Enemy, or in Danger thereof; and generally to iſſue out or publiſh, either through the Channel of the public Prints, or by the ſtaff Departments, ſuch Orders as he may judge expedient to carry into Execution the Intents and Deſigns of this Act; and all ſubordinate Officers are hereby required to yield entire Obedience thereto accordingly; and the Officers ſeverally commanding Brigades, Regiments and Companies, are hereby veſted with the ſame Powers and Authorities, within the Limits of their reſpective Commands; provided that when they, or any of them, find it neceſſary to order out the Force under their Command, they ſhall forthwith poſt away the Intelligence and the Occaſion thereof, together with their Movements and Operations, to the Captain-General, or any other their ſuperior Officer, as may be judged moſt conducive to the public Safety; and the Officer receiving ſuch Intelligence ſhall obſerve the ſame Line of Conduct, in order that it may, in the moſt expeditious Manner, arrive to the Captain-General. When and upon what occaſion the whole or part of the militia of the ſtate may be called forth. Orders to be obeyed. Proviſo.

*Be it further Enacted*, That the commanding Officers of Brigades, may, often as they ſee Cauſe, require the Attendance of any, or all the field Officers under their reſpective Commands, at ſuch Time and Place as they ſhall appoint, to confer with them on the Subject of better ordering of military Affairs, and promoting military Skill and Diſcipline in ſaid Brigades; and the commanding Officers of Regiments ſhall be veſted with like Pow- Commanding officers of brigades may require their field officers attendance, to conſult, &c.

Commanding officers of regiments the like power in respect to the officers of their regiments, &c.

er, and for like Purposes to call together in like Manner, any or all the commissioned Officers of their respective Regiments; and the Field Officers of Regiments are hereby also impowered and directed to dignify the several Companies in their respective Regiments, and also to divide said Companies as they may, (with the Advice of the commissioned Officers of the Companies proposed to be divided from Time to Time) judge expedient, agreeably to the Provisions of this Act.

Officer giving up his commission without, &c.

*And be it further Enacted*, That if any commissioned Officer shall give up his Commission, without Liberty from the Captain-General; and if any non-commissioned Officer shall give up his Warrant, without Liberty from the commanding Officer of the Regiment to which he belongs, every such commissioned and non-commissioned Officer shall be reduced to the Ranks.

Adjutant-General &c. to be appointed.

*And be it further Enacted*, That there shall be from Time to Time appointed, as may be necessary, by Warrant from the Captain-General, one Adjutant-General over the whole Militia of this State, and one Brigade-Major in each Brigade, in like Manner, by the respective Brigadiers-General; and one Adjutant in each Regiment, in like Manner, by the commanding Officers of Regiments respectively, whose Duty it shall be carefully and diligently to collect and truly make up all Returns in their several Limits, at the Time and according to the Form or Forms that may be ordered, and generally to execute such legal Orders as may be enjoined on them by their superior Officers; and the commanding Officers of Regiments shall also, in like Manner, appoint one Pay-Master and one Quarter-Master, from the Line of their respective Regiments, and also one Surgeon and Mate; and from the lists of Serjeants, Drummers and Fifers shall appoint one Serjeant-Major, one Quarter-Master-Serjeant, one Drum Major and one Fife-Major; and the commanding Officers of Companies shall have liberty to appoint from the list of Serjeants, one Orderly-Serjeant; which several Officers shall be liable to be displaced for Misdemeanor or neglect of Duty, by the Officers granting such Warrant, or their successors in Office.

Pay-master, quarter-master, &c. how appointed.

Quarter-master-general, D. Quarter-master-general, &c.

*And be it further Enacted*, That there shall be appointed from Time to Time, as may be necessary, by the General Assembly, one Quarter-Master-General, with Power of substituting a Deputy-Quarter-Master-General in each Brigade; and the said Quarter-Master-General, his Deputies, and the Regimental Quarter-Masters shall, each and every of them, be sworn to the faithful discharge of the Duties of their Office. And it shall be the Duty of the Quarter-Master-General to provide, keep and maintain a Magazine of Powder, Ball, and other warlike Stores and camp Equipage, to be ready for the use of this State as Occasion may require, according to the Directions of the General Assembly; for the procuring of which Supplies, and for the defraying the necessary Charges of his Department, he shall from Time to Time, by order of the General Assembly or Governor and Council, receive out of the public Treasury of this State, such Sums of Money as they shall judge expedient, and shall give Bonds to the State Treasurer, with sufficient Surety, faithfully to apply the same, and to render his Account, when required. And the said Deputy-Quarter-Master-General shall aid and assist the Quarter-Master-General in the procuring said Supplies; and are to attend such legal Orders respecting their Department, as they may from Time to Time receive from him or any General Officer, under whose Command they belong, rendering their regular Accounts of Monies received and expended, and making up and forwarding Returns, according to such Form or Forms as shall be ordered, to said Quarter-Master-General, who is hereby impowered to remove and displace any of his said Deputies, for Misdemeanor or neglect of Duty.

to be sworn.

Quarter-master-general to provide magazines, &c.

and to receive monies by order out of the State treasury, &c.

to be accountable, &c.

And it shall be the Duty of the Regimental Quarter-master to provide and keep a sufficient Quantity of Ammunition and warlike Stores for the Use of their respective Regiments, to be kept in such Place or Places as shall be

be ordered by the Field Officers, which ſhall not be leſs than one Pound of good Powder, three Pounds of Balls, and ſix Flints for each non-commiſſioned Officer and effective Soldier in their reſpective Regiments in Time of War, and in Time of Peace half the Quantity of each of ſaid Articles; and alſo two Tents, two Camp Kettles to every Company of ſixty-four Privates, and in the ſame Proportion for a greater or ſmaller Number. And each regimental Quarter-maſter ſhall make Return of the State and Quantity of the military Stores and camp equipage in their reſpective Regiments, certified by the commanding Officer, by the firſt day of *May* annually, and oftner, if thereto required, to the Deputy Quarter-Maſter-General, in the Brigade to which they reſpectively belong, who, on receiving the ſame, is to form and make up a brigade Return of the ſame Kind, and tranſmit the ſame to the Quarter-Maſter-General, by the tenth Day of *May* annually, and oftner if thereto required; and ſaid Quarter-Maſter-General ſhall make a ſimilar Return of the State of the military Stores through the State, by the fifteenth Day of *May*, and oftner if thereto required, to the Captain-General.

Duty of regimental quarter-maſter.

*And be it further Enacted*, That every Orderly Serjeant or Clerk of the reſpective Companies of Infantry or Cavalry, ſhall take the following Oath, viz. *You do ſwear truly to perform the Office of an Orderly Serjeant, or Clerk, to the utmoſt of your Skill and Ability, in all things appertaining to ſaid Office, according to Law.* So help you GOD. Whoſe Duty it ſhall be to call over the Roll of the Company on Days of viewing of Arms and training Days, and to note the Defects of Individuals, by their Abſence or otherwiſe, to execute all legal Warrants to him directed by his ſuperior Officer, for the levying any Fine or Fines on Delinquents, with the neceſſary Charges ariſing thereon, being, by Virtue of ſaid Warrant, as fully impowered thereto as Conſtables in civil Caſes, and to account for the ſame, as hereafter provided.

Orderly ſerjeant or clerk to be under oath.

Form.

Their duty.

*And be it further Enacted*, That every Orderly-Serjeant of the Infantry, and each Clerk of the Cavalry, ſhall take an exact Liſt or Roll of all Officers belonging to, or living within the Limits of the Company or Troop to which ſuch Serjeant or Clerk belongs, twice in every Year at leaſt, viz. on the firſt Monday of *April* and *September* annually, and oftner if thereto required by the commanding Officer of the Company to which he belongs; therein ſetting down and diſtinguiſhing the rank of the ſeveral Officers, and the ſtate and condition of the Privates in ſaid Company or Troop, according to ſuch Form and Orders as may be given under his Hand and teſt of Office, and the ſame tranſmit to the commanding Officer of the Company or Troop to which he belongs; whoſe Duty it ſhall be to inſpect, and if neceſſary, to rectify; and having certified the ſame under his Hand and Office, ſhall cauſe the ſame to be tranſmitted to the Adjutant or Serjeant-Major of the Regiment to which he belongs, by the tenth Day of *April* and *September* annually; which Adjutant having received the Returns of each Company or Troop in the Regiment, ſhall make up a ſimilar Return of the ſtate of the whole Regiment of Infantry or Cavalry, as the Caſe may be, and atteſt the ſame; and it being examined, approved and certified by the commanding Officer of the Regiment, ſhall, in the Caſe of the Infantry, be tranſmited to the Brigade-Major, and in Caſe of the Cavalry, to the Adjutant-General, by the twentieth Day of *April* and *September* annually; and the Brigade-Major, from the Returns of the ſeveral Regiments of Infantry, ſhall make up a ſimilar Return of the ſtrength of the whole Brigade; which being by him atteſted and examined, approved and certified by the Brigadier-General, ſhall be tranſmitted to the Adjutant-General by the tenth Day of *May* and *October* annually, and be by him formed, together with the Returns he may receive from the Regiments of Cavalry, into a general Return of the whole Military Force of this State; which being by him atteſted, ſhall be tranſmited to the

To take liſt of officers, &c. and tranſmit the ſame, &c.

Returns how and when to be made, &c.

Captain-

Captain-General, to be by him laid before the General Aſſembly, at ſuch Times as he or they ſhall think proper: And every Captain neglecting to make a Return as aforeſaid, or ſhall make a falſe Return to the commanding Officer of the Regiment, ſhall forfeit and pay a fine of *Ten Pounds*; and if any commanding Officer of any Regiment, ſhall neglect to make a regimental Return as aforeſaid, or ſhall make a falſe Return, he ſhall forfeit and pay a fine of *Twenty Pounds*; and if any commanding Officer of a Brigade ſhall neglect or refuſe to make a Return, as herein directed, he ſhall forfeit and pay a fine of *Forty Pounds*; the diſtreſs thereof to be granted by the commanding Officer of the Regiment or Brigade to which ſuch delinquent Officer belongs, or by the Captain-General, directed to the Adjutant, Brigade-Major, or Adjutant-General, as the nature of the Caſe ſhall require, and returnable in four Weeks, unleſs ſuch delinquent Officer ſhall make a ſatisfactory Excuſe to the Officers hereby directed to grant ſuch Warrant, within twelve Days after ſuch Neglect or Default ſhall happen.

Infantry, &c. how furniſhed.

*And be it further Enacted*, That all ſuch as belong to the Infantry Companies, and Houſholders under fifty-five Years of Age, ſhall, at all Times be furniſhed at their own Expence, with a well fixed Muſket, the Barrel not leſs than three Feet and an Half long, and a Bayonet fitted thereto, with a Sheath and Belt or Strap for the ſame, with a Ram-rod, Worm, Priming-wire and Bruſh, one Cartouch-box carrying ſixteen rounds of Cartridges, made with good Muſket Powder and Ball, fitting his Gun, ſix good Flints, and each Militia Man one Canteen holding not leſs than three Pints, upon Penalty of forfeiting and paying a Fine of *Three Shillings* for want of ſuch Arms and Ammunition as is hereby required, and *One Shilling* for each Defect, and the like Sum or Sums for every four Weeks he ſhall remain unprovided.

Penalty for neglect.

Proviſo.

*Provided nevertheleſs*, That if any Soldier ſhall, in the Judgment of the Selectmen of the Town to which he belongs, be unable to arm and accoutre himſelf, agreeable to the directions of this Act, it ſhall be the Duty of ſuch Selectmen to certify the ſame to the commiſſioned Officers of the Company to which ſuch Soldier belongs, in order that Execution may not iſſue againſt him for deficiency in ſuch Arms and Accoutrements; and alſo at the Expence of ſuch Town, to provide ſuch Soldier with Arms, and the whole or any part of ſuch Accoutrements, as may be neceſſary, within forty Days from the Time of granting ſuch Certificate, under Penalty of the Value of ſuch Arms and Accoutrements, to be recovered of any or all of ſaid Selectmen, by Warrant from an Aſſiſtant or Juſtice of the Peace, upon proper Information and Proof of ſuch Neglect, by ſaid commiſſioned Officers, which Warrant ſhall be directed to any Sheriff or Conſtable proper to ſerve the ſame, returnable in ſixty Days, and the Fine payable into the Treaſury of ſuch Town.

And all Arms and Accoutrements thus provided, ſhall be the Property of ſuch Town, and ſhall, by the commanding Officer of the Company, be depoſited in ſuch Place or Places as he ſhall think proper, to be ready for ſuch Soldiers, as occaſion ſhall require; and ſuch Officers ſhall ſtand accountable for ſuch Arms and Accoutrements, and ſhall be liable to pay for the ſame, if loſt through his Neglect or Default.

Dragoons how accoutred.

*And be it further Enacted*, That every Light-Dragoon ſhall always be provided with a good ſerviceable Horſe, not leſs than fourteen Hands high, to the acceptance of the two chief commiſſioned Officers of the Company to which he belongs, covered with a good Saddle, with Houſing and other proper Furniture, bitt Bridle and Holſters, a Caſe of good Piſtols, a Sword or Cutlaſs, not leſs than four Feet in Length, and alſo a Cap made of Iron, Leather, or other Cover for the Head ſufficient to withſtand the Force of a Broad-ſword, a Flaſk or Cartrouch-box, one Pound of good Powder, three Pounds of ſizable Bullets, twelve Flints, a good pair of Boots and Spurs, on Penalty of *Three Pounds* for want of ſuch Horſe, and the Value of each other Article in which he ſhall be deficient.

*And*

*And be it further Enacted*, That the commanding Officers of Companies ſhall appoint the Days of Exerciſe, and the Company ſhall have three Days Warning, which Warning ſhall be given by the Orderly-Serjeant or Clerk, or any Serjeant or Corporal of the Company, or in any other Way agreed on by ſaid Companies; and every Soldier ſo warned as aforeſaid, ſhall give his Attendance at Time and Place appointed, compleat in his Arms, and dreſſed in a ſoldier-like Manner: That every commanding Officer of Companies ſhall draw forth his Company four Days in a Year, in order to inſtruct them in the uſe of Arms and diſcipline of War; and the Days appointed ſhall be in the Months of *March*, *April*, *May*, *September*, *October* and *November*, annually: That on the firſt Monday of *May* and *October*, annually, ſuch commanding Officer ſhall cauſe the Arms, Ammunition and Accoutrements of all under his Command to be reviewed; Houſholders and others by Law obliged to keep Arms, to be conſidered for this Purpoſe, to be under the command of the Officers of the Infantry Companies, within the Limits of which they dwell; and if any of the Perſons aforeſaid ſhall not appear on either of ſaid Days, being duly warned, he ſhall pay a Fine of *Six Shillings*, for Non-appearance, and for each deficiency of Arms, Ammunition and Accoutrements, on the Days appointed for the viewing of Arms, the ſame Penalty as heretofore provided for neglect of furniſhing ſuch Articles, unleſs ſuch Perſon ſhall appear before the reviewing Officer, within twelve Days after ſuch day of Review or Exerciſe, and make a ſatisfactory Excuſe for his non-appearance on ſaid Day, and alſo ſhew his Arms and Ammunition to ſuch reviewing Officer, and avouch them to be his own, and that they have not, by any Perſon whatever, been carried for to be reviewed upon or after ſaid Day.

Days of exerciſe to be appointed.

Arms, &c. to be reviewed.

Penalty for non-appearance or deficiency.

And if any Serjeant of the Foot, or Corporal of the Troop, ſhall be delinquent in Arms, Ammunition and Accoutrements, or ſhall neglect to appear and attend the Duty of his Place, he ſhall for each day's Neglect, pay a Fine of *Nine Shillings*, and for deficiency of Arms and Ammunition, the ſame as in Caſe of a Private: That each Drummer, Trumpeter and Fifer ſhall, upon his accepting the Office to which he is choſen, provide himſelf with a good Drum, Trumpet or Fife, as the Nature of his Office ſhall require, and conſtantly attend Service when required, under Penalty of *Eight Shillings* Fine, for each day's Neglect, and alſo the value of the Article in which he may be deficient as aforeſaid; the diſtreſs therefor, as alſo for the Fines and Penalties incurred by Serjeants, Corporals and Privates, for Non-attendance, deficiency or otherwiſe, to be granted by the commanding Officer of the Company. And if ſuch commanding Officer ſhall neglect to call forth his Company as by this Act is directed, or ſhall neglect to iſſue his Warrant of Diſtreſs for each Non-appearance and Deficiency, againſt delinquent non-commiſſioned Officers and Privates, he ſhall forfeit and pay as a Fine, for every day's Neglect in viewing Arms *Ten Pounds*, and for every day's Exerciſe, ſhort of four Days in the Year, *Five Pounds*; and for neglecting to iſſue his Warrant of Diſtreſs as aforeſaid, the Value due from each Delinquent in his Company. Which Fines and Forfeitures ſhall be recovered of each delinquent Officer by Warrant of Diſtreſs, to be iſſued by the commanding Officer of the Regiment to which ſuch delinquent Officer belongs, in days after ſuch Neglect ſhall be known, and directed to the Adjutant, the Regiment, and returnable in four Weeks; and ſuch Adjutant, in caſe of refuſal to execute ſuch Warrant, ſhall be cahiered or reduced to the ranks.

Penalty on ſerjeants of foot or corporals of troop.

Drummers, &c. to provide drums, &c.

Penalty for not attending

Penalty on officers for neglect, &c.

And if any Lieutenant, Cornet, Enſign, or Quarter-Maſter of any Company, ſhall neglect or refuſe to appear on any muſter Day, Day of Exerciſe, or viewing of Arms, by the Captain of ſuch Company appointed, and attend the Duty of his Poſt, he ſhall pay for each Day's Neglect, the Sum of *Forty Shillings*; the Diſtreſs therefor to be iſſued, directed and returned,

Penalty on lieuts. cornets, &c. for neglect in attendance.

as

as againſt commanding Officers of Companies aforeſaid, unleſs a ſatisfactory Excuſe ſhall be made to the commanding Officer of the Regiment, within twelve Days after ſuch Day of Exerciſe or Review.

Regimental exerciſe.

And the commanding Officer of each Regiment ſhall call forth and muſter together the ſeveral Companies of his Regiment, once in two Years, for regimental Exerciſe and Review, unleſs his Regiment may be ſo large that he may judge it beſt to call but one half of the Companies at one Time and the remaining Part at another Time within the Year; which Muſters the ſeveral commanding Officers ſhall attend with their Companies, under Penalty of *ten Pounds*, to be diſtrained by Warrant from the commanding Officer, in Manner aforeſaid.

Penalty.

Perſons enrolled, to do duty.

And every Perſon enrolled in any Company as aforeſaid, ſhall attend all Duty in ſaid Company, until orderly diſmiſſed or removed out of the Limits of ſaid Company, or otherwiſe ſuffer the Penalties herein provided.

Diſorders how puniſhed.

And the two chief Officers of any Company ſhall order the correcting and puniſhing of Diſorders and Contempt, on Days of Exerciſe, the Puniſhment not being greater than riding the Wooden-horſe for a Time, not exceeding one Hour, or a Fine of *Forty Shillings*, to be recovered in the ſame Way and Manner as for Non-appearance and Deficiency; and the commanding Officer of a Regiment ſhall be veſted with like Powers, on the Days appointed for regimental Exerciſe and Review.

Duty of ſerjeant of foot, or corporals of horſe who have been diſcharged.

That Serjeants of Foot and Corporals of Horſe, who have heretofore or ſhall hereafter be regularly diſmiſſed or diſcharged from any Company of Foot, or Troop of Horſe, by removing or otherwiſe, ſhall be liable to do military Duty in the Company in the Limits of which they dwell, in the ſame Manner as Houſholders by Law are obliged to do.

Perſons enliſted into the cavalry.

*And be it further Enacted*, That if any Perſon in this State ſhall, at any Time after the riſing of this Aſſembly, inliſt into any Company of Cavalry which exceeds thirty Men, Officers included, at the Time of ſuch Inliſtment, or having already inliſted into any Company of Cavalry, ſhall not, within three Months from the Time aforeſaid, furniſh and equip himſelf agreeable to the proviſions of this Act, or that ſhall hereafter inliſt into ſuch Company and ſhall not within three Months after ſuch his Inliſtment, in like Manner furniſh himſelf, ſuch Perſon ſo inliſted, in either of the Caſes aforeſaid, ſhall by the commanding Officer of ſuch Company, be diſcharged and diſmiſſed from the ſame; and the ſaid commanding Officer ſhall thereupon forthwith certify the Name of the Perſon ſo diſcharged, with the Circumſtances of the Caſe, to the commanding Officer of the Company of Infantry, within the Limits of which the Perſon ſo diſcharged belongs, whoſe Duty it ſhall be to enrol and require ſuch Perſon to attend and do Duty in his Company. And if any commanding Officer of any Company of Infantry or Cavalry ſhall neglect his Duty, as herein required, he ſhall pay a Fine of *Five Pounds* Money for each Offence, to be recovered by Warrant from the commanding Officer of the Regiment to which he belongs.

Troop may paſs votes regulating their cloathing, &c.

And that the ſeveral Companies of Troop, and the reſpective Artillery Matroſs Companies eſtabliſhed in this State, are hereby impowered, (two thirds of ſaid Company agreeing) to paſs Votes relative to their Cloathing directing the Colour thereof, regulating and enforcing the ſame, and to impoſe Fines not exceeding *Six Shillings* per Day, on ſuch as neglect or refuſe to comply with ſuch Votes: Which Fines ſhall be levied, collected and applied as other Fines and Penalties in ſaid Companies by Law are.

Warrants how ſerved.

*Be it further Enacted*, That all Warrants granted out againſt any Perſon or Perſons, for any Fine or Fines incurred by virtue of this Act, or any Breach thereof, ſhall be levied on the Goods or Chattels of the reſpective Delinquents, if upwards of twenty-one Years of Age; and for want of ſuch Goods or Chattels, againſt the Body of ſuch Delinquents, and againſt the Goods and Chattels of the Parents, Guardians and Maſters of ſuch De-

quents as have not arrived to the Age of twenty-one Years; and for want of such Goods and Chattels, against the Body of such Parents, Masters or Guardians, and them commit to and hold in Gaol, until such Fine or Fines shall be paid and satisfied, as in cases of Execution for Debt; which Fines shall be for the use of the Companies to which such Delinquents respectively belong, (except such Fines as are otherwise disposed of in this Act) that is to say, for procuring and maintaining Trumpets, Colours, Banners and Halberds, and for paying Drummers, Trumpeters and Fifers, or other Charges of said Company, by direction of the commissioned Officers of such Company; and the Persons respectively serving such Warrants, agreeable to the Provisions of this Act, shall make Return to the Person granting the same, therein directed, and stand accountable to him for the Monies they shall so collect.

Warrants how served.

Fines how disposed of.

*Be it further Enacted by the Authority aforesaid*, That the commanding Officers of the several Companies of Horse or Foot be, and they are impowered and directed from Time to Time, to appoint an Alarm-Post, at such Place or Places as they shall think proper: to which, upon Notice of an Alarm, it shall be the Duty of Officers and Soldiers under their respective Commands to repair without Delay, compleatly equipped and accoutred, as in this Act is directed, there to attend such further Orders as they may receive from their commanding Officers aforesaid.

Alarm posts.

*And to the Intent that speedy Notice may be given, upon such interesting and important Occasions:*

*Be it further Enacted*, That the commanding Officers of the several Companies, shall divide their said Companies into as many Classes, in case of Horse, as there are Corporals, and in case of Foot, as there are Serjeants in such Companies, in such Manner as to them shall seem meet; which Serjeants and Corporals, upon orders received from their commanding Officers, upon occasion of Alarms as aforesaid, shall forthwith warn and notify each Officer and Soldier in the Class to them respectively assigned, to repair, equipt as aforesaid, to the Post appointed, upon Penalty of *Ten Pounds* Money; and if any commissioned Officer, being so notified, shall neglect or refuse to appear and attend the Duty of his Place, he shall, unless prevented by Sickness or other Disability, be cashiered and reduced to the Ranks; and it shall be the duty of the commanding Officers of Companies where such Neglect shall happen, as soon as may be, to make Information thereof to the General Assembly accordingly. And if any non-commissioned Officer or Private shall, upon such Notice, refuse to appear in Manner aforesaid, unless prevented as aforesaid, such non-commissioned Officer shall forfeit and pay a Fine of *Twelve Pounds*, and such Private a Fine of *Ten Pounds*; which several Penalties shall be for the use of the Town where such Delinquents belong, to be recovered in Manner hereafter provided; and such Companies so collected shall proceed regularly, under the Command of their proper Officers, to such Place and Places as Exigencies may require, pursuant to such Orders they may receive from their commanding Officer.

Divide companies into classes.

Penalty for not appearing at the alarm post.

*Be it further enacted by the Authority aforesaid*, That whensoever, pursuant to Orders from the General Assembly, or the Captain-General and Commander in Chief, any able-bodied and effective Man, shall in any Manner be duly detached, impressed or drafted into the Service of this State, or the United States, for the purposes of Defence against the common Enemy, if any such Person so detached, shall neglect or refuse seasonably to muster, join to, proceed with the Troop he is appointed to serve with (being duly noticed thereof) and under the Command of such Officers as may be ordered, he shall forfeit and pay to the Treasury of the Town to which he belongs, a Fine or Penalty of *Five Pounds*; unless such Person so detached shall, antecedent to such marching Orders, have procured an able-bodied and effective Man to perform his tour of Service to the acceptance of the detaching Officer,

Penalty on such as are drafted and neglect to muster.

cer, or have ſhewn Reaſon why he ought to be excuſed, to the commanding Officer of the Regiment to which he belongs, which by him ſhall be judged ſufficient, and ſhall thereupon be excuſed accordingly; in which Caſe the detaching Officer ſhall forthwith detach another Perſon to ſerve in his room and ſtead.

*And whereas it is juſt, that the Services neceſſary for the common Defence, ſhould be born and performed by thoſe Perſons liable to the ſame, in an equal Proportion:*

*Be it further enacted by the Authority aforeſaid*, That whenever any Part of the military Force of this State are called for, for the Purpoſe and Service aforeſaid, from every Part of this State, the Adjutant-General ſhall make out the Details or Proportion of the Officers and Men ſo called for, from the Brigade-Returns, then laſt received from the ſeveral Brigades; and Orders ſhall iſſue from the Captain-General to the Brigadiers-General accordingly, deſignating ſuch one or more of them as he may think proper; and the Brigadiers-General ſhall thereupon iſſue their Orders to the commanding Officers of Regiments in their reſpective Brigades upon the Details; and the commanding Officers of Regiments ſhall thereupon iſſue their Orders to the commanding Officers of Companies upon the Details that ſhall in like Manner be made by their reſpective Adjutants, deſignating ſuch commiſſioned Officers as may be neceſſary to organize the ſeveral Companies; and the commanding Officers of Companies ſhall thereupon detach the Number to him aſſigned, deſignating ſuch non-commiſſioned as may be required; and the ſaid Adjutant-General, Brigade-Major, Adjutants and Orderly-Serjeants ſhall from Time to Time keep Roaſters reſpectively, containing an exact Account of the number of Officers and Men, the Names of thoſe deſignated as aſcertained to the Brigades, Regiments and Companies, the length of the Tour, and whatever elſe may be neceſſary to anſwer the End deſigned; and the Orderly Serjeants ſhall further keep an exact Account of the Names of Individuals from Time to Time detached.

Duty of adjutant-general, &c. when drafts are ordered.

Details.

Roaſters to be kept.

And the tours of Duty ſhall be performed in regular Rotation, due regard being had to ſuch tours of Duty as exceed the term of two Months, ſo as to equalize, as near as may be, the proportion of Duty to be performed by each Individual.

Tours of duty to be in rotation.

*And be it further enacted by the Authority aforeſaid*, That whenever, upon any Alarm or Detachment, any non-commiſſioned Officer or Private, being noticed of ſuch Alarm, or duly detached, as in this Law is directed, as the Caſe may be, ſhall refuſe to appear, or to muſter and march, according to orders received; or if any Perſon required by this Act to give notice of an Alarm ſhall, in contempt of orders received for that purpoſe, neglect or refuſe to do the ſame, it ſhall be the duty of the commanding Officer of the Company to which the Perſon ſo neglecting or refuſing belongs, forthwith to make out an Information, directed to an Aſſiſtant and Juſtice of the Peace, or two Juſtices of the Peace of the town where ſuch delinquent belongs, and lodge the ſame with either of them; which Authority are hereby authoriſed and directed thereupon to make out a Citation, directed to any Sheriff or Conſtable proper to ſerve the ſame, ſummoning ſuch Delinquent, and if a Minor, his Parent, Guardian or Maſter, forthwith to appear, if they ſee Cauſe, before ſaid Authority, to ſhew Reaſon, if any they have, why Judgment ſhould not be entered againſt him or them, for the recovery of ſuch Fine, with Coſts; and the Officer ſhall proceed according to the Directions in ſaid Citation, to ſerve the ſame by reading or cauſing it to be read, in the hearing of ſuch Delinquent, his Parent, Guardian or Maſter as the Caſe may require, or by leaving a true and atteſted Copy of ſuch Complaint and Citation, at his or their uſual Place of Abode; and if thereupon he or they ſhall or ſhall not appear according to ſuch Citation, ſaid Authority ſhall proceed to take the Evidence in the Caſe, and if upon ſuch Evidence it ſhall appear to ſaid Authority, that the Charge contained in the In-

Non-commiſſioned officer or private refuſing to muſter or march,

or

to give notice of an alarm,

how to be proceeded with.

formation

formation is fully ſupported, and that the Delinquent, at the Time of receiving Orders, either to warn and notify the Perſons to him aſſigned, to repair to the Poſt appointed on an Alarm, to repair thither himſelf, or being detached, to muſter and march, as the Caſe may be, purſuant to this Act, was under no natural Diſability, ariſing from bodily Indiſpoſition or otherwiſe, ſaid Authority ſhall enter up Judgment againſt ſuch Delinquent, for the recovery of the Fine to which he is liable, with Coſts, out of the Eſtate of ſuch Delinquent, or if a Minor, out of the Eſtate of his Parent, Guardian or Maſter, and grant Execution accordingly.

Officers refuſing to take command, &c.

*And be it further enacted*, That if any general, field, or commiſſioned Officer, being appointed and deſignated as in this Act is directed, to take the Command of ſuch Corps as to them ſhall be aſſigned, in their reſpective Offices, ſhall without juſt Cauſe, refuſe to comply with Orders given him for that Purpoſe, ſuch Officer ſhall be caſhiered; and it ſhall be the Duty of the Officer that ſhall ſo deſignate and appoint him, to make Information to the General Aſſembly accordingly.

*And whereas ſome Perſons, upon receiving Intelligence of a Detachment upon the Militia ſoon to take Place, may abſcond or ſecrete themſelves, with deſign to eſcape ſuch Detachment; by Means whereof the Public may be greatly injured*: Which to prevent;

Perſons abſconding from drafts, how proceeded with.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon, liable by Law to Detachment into military Service, ſhall abſcond or ſecrete himſelf, with deſign to avoid ſuch Detachment, and at a Time when he ought to be called upon for a tour of Duty in the Judgement of the commiſſion Officers of the Company to which he belongs, purſuant to the Proviſions of this Act, it ſhall be the Duty of the commanding Officer of ſaid Company to lodge an Information, as before directed; and thereupon the ſaid Authority ſhall iſſue their Warrant to apprehend ſuch Perſon ſo informed againſt, as ſoon as may be, at the ſame Time, if ſuch Perſon be a Minor, notifying his Parent, Guardian or Maſter, to be preſent and attend the Trial (if he ſee Cauſe) and if upon the Trial, the Delinquent ſhall not be able to prove to the Satisfaction of the Court, that he did not abſcond, ſecrete or abſent himſelf with Deſign to eſcape ſuch Detachment, the Court ſhall proceed to enter up Judgment againſt him for the Recovery of the ſame Sum from him, or his Parent, Guardian or Maſter, if a Minor, and grant Execution thereon, in the ſame Manner as if ſuch Perſon had been detached according to the moſt uſual, legal and regular Practice.

Fines how diſpoſed of.

*Be it further Enacted*, That all Fines and Penalties from Time to Time collected by Warrants iſſued by commanding Officers of Regiments, againſt any commiſſioned Officers of Companies in their reſpective Regiments, as in this Act is directed, ſhall be paid into the Treaſury of the Town where the Perſons of whom collected belong, for the Uſe of ſuch Town; and all Fines and Penalties in like Manner collected by Warrants iſſued by any General Officer, agreeable to the Proviſions of this Act, ſhall be to the Uſe of the public Treaſury of this State.

Perſons liable to do duty, to be forthwith enrolled.

*Be it further Enacted*, That the commanding Officers of the ſeveral Infantry Companies in this State, eſtabliſhed by this Act, ſhall forthwith enroll in their reſpective Companies, all ſuch Perſons, whether of the former Farm Liſt Companies, or others who are by Virtue of this Act, liable to Military Duty.

Perſons holding any military office & commiſſion to continue, &c. except, &c.

*Be it further Enacted*, That all Perſons holding and ſuſtaining any military Offices and Commiſſions, by Virtue of any Act heretofore made, with the reſpective Brigades, Regiments, Troops or Companies, heretofore, and by this Act formed and eſtabliſhed, except Colonel and Lieutenant-Colonel of the Cavalry, ſhall continue to hold and exerciſe the ſame, with all the Powers and Authorities veſted in ſuch Officers reſpectively, by Virtue of this Act.

Colonels to continue, &c.

*And be it further Enacted and Provided*, That the Colonels of any of the reſpective Regiments of Infantry heretofore, and by this Act eſtabliſhed, now holding and in the Exerciſe of their Office and Commiſſion, ſhall continue to hold and exerciſe the ſame, and be conſidered as the commanding Officers, of their reſpective Regiments, any Thing in this Act to the contrary notwithſtanding.

Proviſo.

*Provided alſo*, That nothing in this Act ſhall be conſtrued to affect or alter the State of the Companies, called the Governor's Guards, or any matroſs Companies, formed agreeable to the Proviſions of Law.

Non-commiſſioned officers guilty of neglect, mutiny, or reproachful language, how to be dealt with.

*Be it further Enacted*, That if any non-commiſſioned Officer, ſhall refuſe or neglect to do his Duty, or ſhall endeavour to excite a Mutiny, or ſhall uſe reproachful Language to any ſuperior Officer when in the Execution of his Office, it ſhall be in the Power of the field Officers of the Regiment to which ſuch non-commiſſioned Officer belongs, on Complaint being made and Fact being proved, to reduce ſaid non-commiſſioned Officer to the Ranks, and to do Duty as a private Sentinel in the Company to which he belongs.

Thoſe who have procured a recruit, &c. exempt from actual ſervice, but not from reviews, &c.

*Be it further Enacted*, That all Perſons who have procured a Recruit to inliſt into the Army of the United States, for three Years or during the War, agreeable to the Reſolution of this Aſſembly heretofore made, ſhall be exempted from any Drafts or Detachments into actual Service, agreeable to the Tenor of ſuch Reſolutions, but liable to do Duty on Days of Reviewing and Muſtering; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Watches and wards.

*And be it further enacted by the Authority aforeſaid*, That when and ſo often as the Civil Authority and Select-men in any Town in this State, or the major Part of them, ſhall judge it neceſſary or highly convenient for the ſafety of ſuch Town, to have Watches and Wards therein, they are hereby authorized and impowered by Warrant, to command the Conſtable or ſome other meet Perſon by them appointed, to warn ſuch a Number of Men to appear at ſuch Time and Place in ſaid Town, as they ſhall think neceſſary. And all and every ſuch Perſon or Perſons that ſhall be notified to watch or ward as aforeſaid, ſhall appear at the Time and Place appointed, with a good Firelock and Cartouch-box well ſlung, with at leaſt ſix Rounds fit for his Gun, and ſhall obſerve ſuch Directions as ſhall be given by order of ſaid Authority and Select-men; who are hereby impowered to give ſuch Orders and Directions relating to the regulating ſuch Watching and Warding, and the Continuance thereof, as they ſhall judge needful.

Penalty for neglect of duty.

And if any Perſon or Perſons, being warned as aforeſaid, or in any other Manner which the Authority and Select-men ſhall agree and conclude upon, ſhall neglect and refuſe to attend at Time and Place appointed, armed and furniſhed as aforeſaid, or to obſerve the Orders to them given by the Conſtable, or any other Perſon appointed as aforeſaid, ſhall for every ſuch Neglect or Offence pay a Fine of *Six Shillings* lawful Money; which by Warrant from any one Aſſiſtant or Juſtice of the Peace, ſhall be levied by the Conſtable, from ſuch Delinquents, his Perſon, his Parent, Maſter or Guardian, and diſpoſed of for the Uſe of ſuch Perſons as attend upon and perform ſaid Service, under the Direction of ſaid Authority and Select-men.

*Whereas it is neceſſary that uniformity of Diſcipline ſhould be practiſed by the Troops that may be called to act in Conjunction:*

Diſcipline recommended by congreſs adopted, &c.

*Be it further Enacted*, That the Regulations for the Order and Diſcipline of the Troops of the United States, as ordered by Congreſs, in their Reſolution of the 29th of *March*, 1779, be, and they are hereby approved and adopted as the Regulations for the Order and Diſcipline of the Militia of this State, ſo far forth as their Situation and Circumſtances will admit; and in particular that the Manual Exerciſe, Manœuvres and Mode of Formation therein

herein deſcribed, be practiſed; and when the Militia are called out into actual Service, that they conform themſelves in all Reſpects to the Regulations aforeſaid. And all General and other Officers are hereby enjoined to cauſe the ſame to be executed with all poſſible Exactneſs, and conform themſelves thereto accordingly.

## An Act concerning Mills and Millers.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled and by the Authority of the ſame, That each Miller in this State, or the Owners of Griſt-Mills, ſhall be allowed three Quarts out of each Buſhel of Indian Corn he grinds, and of other Grain two Quarts out of each Buſhel he grinds; except Malt, out of each Buſhel of which he grinds, he ſhall be allowed one Quart, and no more. And he ſhall be allowed at the Rate of one Pint for Bolting, out of each Buſhel of Meal he bolts, and no more. Millers allowance for grinding.

And if any Miller ſhall preſume to take or receive a greater Toll or Fee for grinding or bolting, than is herein allowed him, as aforeſaid, he ſhall forfeit and pay the Sum of *Ten Shillings*, for each Time he ſhall be convicted of any Breach of this Act: One Half whereof ſhall be to the Complainer who ſhall proſecute the ſame to Effect, and the other Half to the Treaſury of the Town where the Offence ſhall be committed. Penalty for taking more.

And that there ſhall be provided for every Griſt-Mill within this State, by the Owners of ſuch Mills, ſealed Meaſures, viz. One of a Pint, one of a Quart, and one of two Quarts, for their toll Meaſures, with an Inſtrument to ſtrike the ſaid Meaſures, which ſhall be ſtricken when Toll is taken of all Grain that is brought to Mill ſtricken Meaſure, to be ground there. Mills to be provided with toll meaſures.

## An Act for the Settlement, Support, and Encouragement of Miniſters; and for the well-ordering Eſtates given for the Support of the Miniſtry.

BE it enacted by the Governor, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame, That the Inhabitants of any Town or Society, conſtituted by this Aſſembly, who are or ſhall be preſent at Town or Society Meeting, legally warned, ſhall have Power by the major Vote of thoſe ſo met, to call and ſettle a Miniſter or Miniſters among them, and to provide for his or their Support and Maintenance. Power to call and ſettle a miniſter.

*Provided*, That no Perſon be allowed to vote in any ſuch Affairs, unleſs ſuch Perſon or Perſons have a Freehold in the ſame Town or Society, rated at Fifty Shillings, or Forty Pounds in the common Liſt, or are Perſons of full Age, and in full Communion with the Church in the ſaid Town or Society. Proviſo.

That the Miniſter or Miniſters which have been, or ſhall be ſo called and ſettled, ſhall be the Miniſter or Miniſters of ſuch Town or Society. Such called and ſettled to be the miniſter.

And all Agreements which have been, or ſhall be made by the major part of the Inhabitants of ſuch Town or Society, qualified and met as aforeſaid, with ſuch Miniſter or Miniſters, reſpecting his or their Settlement and Maintenance, ſhall be Binding and Obligatory on all the Inhabitants of ſuch Town or Society ſo agreeing, and on their Succeſſors, according to the true Intents and Purpoſes thereof. Agreements made by the major part binding on the whole.

That the ſeveral Towns wherein there is but one eccleſiaſtical Society, and the ſeveral Societies aforeſaid within this State, ſhall pay unto their reſpective Miniſters for the Time being, who diſpence the Goſpel therein,

and

Regard to be had to the ſpecie and valuation.

and are, or ſhall be according to the Laws of this State, ſettled or called to preach among them, annually, the ſeveral Sums or Payments agreed upon between them, as aforeſaid, according to the true Intent and Meaning of ſuch Agreements, both for the Specie, and Valuation thereof.

Annual tax to be granted

And that all ſuch Towns and Societies, by their proper Votes or Acts, ſhall annually take care to grant a Tax for the Purpoſe aforeſaid, to be levied on their ſeveral Inhabitants according to their reſpective Liſt, in the common Liſt or Liſts of the Perſons and Eſtates of ſaid Inhabitants; which ſhall be collected by ſuch Perſon or Perſons as ſuch Towns or Societies ſhall annually chooſe and appoint for that End.

Select-men and committees to take care, &c.

And the Select-men of ſuch Towns, and the Committee of ſuch Societies are hereby required to take all proper Care in their reſpective Precincts that ſuch Rates or Taxes be granted and collected, as aforeſaid, for the Support of their Miniſter.

To apply to an aſſiſtant or juſtice, &c.

And when any ſuch Rate or Tax is granted and made, as aforeſaid, the ſaid Select-men or Committee ſhall apply to ſome Aſſiſtant or Juſtice of the Peace in the ſame County, for a Writ or Warrant, directed to the Collector or Collectors choſen and appointed to collect ſuch Rate or Tax, enabling and requiring him or them to levy and collect the ſame: Which Aſſiſtant or Juſtice ſhall forthwith proceed to grant out ſaid Writ.

Collectors duty to be ſpeedy, &c.

And every ſuch Collector or Collectors ſhall with convenient Speed, levy and collect every ſuch Rate committed to him or them: The whole of which they ſhall do, and pay unto the ſaid Miniſter or Miniſters within two Months after the yearly Salary is become due, for the payment of which ſuch Rate or Tax is or ſhall be granted.

Proviſo.

*Always provided*, That if any Perſon or Perſons ſhall be aſſeſſed wrongfully, or more than his or their Proportion, they ſhall have Remedy by the County Court of the ſame County whereto he or they belong, upon Proof made thereof.

Diſtreſs againſt negligent collectors to be taken out by ſelectmen, &c.

And if at any Time the ſaid two Months ſhall be expired, and run out and ſuch Miniſter hath not received his Salary for the Year then paſt; the Select-men of ſuch Town and the Committees of ſuch Societies where ſuch Neglects or Delays ſhall happen, ſhall forthwith take out a Diſtreſs upon ſuch negligent Collector or Collectors who ſhould have collected ſuch Rate directed to the Sheriff of the County, or Conſtable of the Town, ſigned by an Aſſiſtant or Juſtice of the Peace; who are impowered to grant the ſame to levy ſuch Part of ſuch Rate as then remains unpaid, to ſuch Miniſter out of the Eſtate of ſuch Collector or Collectors; which the ſaid Sheriff or Conſtable ſhall forthwith proceed to do, and pay the ſame unto ſuch Miniſter.

On neglect of ſelectmen, &c they to pay the arrearages, and a fine.

That if any of the Select-men or Committees aforeſaid, ſhall neglect their Duty in not taking out a Diſtreſs as aforeſaid, upon the Collector or Collectors as aforeſaid, ſuch Part of the ſaid Rate remaining unpaid, ſhall be paid by ſuch Select-men or Committee ſo neglecting, together with a Fine of *Three Pounds* to the County Treaſury for every ſuch Neglect.

How recovered.

All which ſhall be recovered by Action brought by the State's Attorney to the County Court in the ſame County; and no Appeal ſhall be granted in ſuch Caſe.

Societies neglecting to chooſe a collector, an aſſiſtant or juſtice to appoint &c

And in caſe any ſuch Town or Society ſhall neglect to chooſe and appoint a Collector or Collectors, as aforeſaid, any one Aſſiſtant or Juſtice of the Peace, next reſiding to ſuch Town or Society ſhall, and he is hereby authorized to appoint and impower by his Warrant, ſuch Collector or Collectors for the Purpoſe aforeſaid.

Where no agreement is made, general aſſembly to order, &c.

And where any Town or Society within this State, ſhall have made Agreement with their Miniſter or Miniſters for the Sum of their yearly Maintenance, and ſuch Miniſter or Miniſters do find him or themſelves aggrieved by too ſcanty Allowance, every ſuch Miniſter making Application to the General Aſſembly, ſhall by ſaid Aſſembly have ordered unto him or them ſuitable

uitable and ſufficient Maintenance to be given him or them by the Inhabi-
nts of the Town or Society whereto he or they belong.

And that if any Town or Society ſhall be for any Year or Years without Miniſter preaching the Goſpel to them, ſuch Town or Society ſhall in the id Year or Years pay ſuch Sum or Payment as the General Court ſhall ap-oint, of which Payment or Payments the Collector or Collectors who iall collect the ſame ſhall make Certificate to the next County Court of hat County, which Court ſhall diſpoſe of and improve the ſaid Sums for he Uſe of the Miniſtry in the Town or Society where it is collected as ſoon s Opportunity may be had for it according to the Diſcretion of the Court.

Town or ſociety being without a miniſter for a year, &c. to pay, &c.

*And whereas there have been divers Grants, Donations, or Sequeſtrations of ands, Monies, or other Eſtates or Intereſts, made for the Uſe and Support of the Miniſtry, ſettled and eſtabliſhed by the Laws of this State; by Means whereof, ſundry of the Towns and Societies in this State, there are conſiderable Eſtates elonging to ſuch Towns or Societies, for the Uſe and Support of the Miniſtry herein ſettled, or that ſhall be ſettled as aforeſaid.*

*And whereas it is convenient that ſuitable Proviſion be made for the taking are of, and improving ſuch Eſtates for the End deſigned in granting, giving or queſtring the ſame:*

Therefore,

*Be it further enacted by the Authority aforeſaid,* That where there are any ands, Monies, or other Eſtates granted, given, or ſequeſtred according antient Cuſtom, Uſage or Practice, or ſhall hereafter be given, granted, ſequeſtred for the Uſe and Support of ſueh Miniſtry in any Town or ociety in this State, then and in every ſuch Caſe, the Select-men for the ime being, of ſuch Town where there is but one eccleſiaſtical Society; d the Committees for the Time being, of ſuch eccleſiaſtical Societies as ve been, or ſhall be Conſtituted by this Aſſembly; or a Committee ointed by ſuch Town or Society, (which Committee they are hereby ſpectively impowered to that End to appoint) ſhall have full Power and uthority to demand, recover, receive, take care of, and improve all ſuch ands, Monies, or other Eſtates, to, and for the Uſe and Support of ſuch iniſtry ſettled in ſuch Town or Society which they reſpectively repreſent, cording to the true Meaning, Intent and Deſign in ſuch Grants, Donati-s, or Sequeſtrations contained; and for their Improvement thereof, and the Increaſe, Profits and Intereſts thereof to be accountable from Time Time to ſuch Town or Society as they reſpectively repreſent.

Eſtates given for the ſupport of miniſtry how to be improved, &c.

*And that ſuch Select-men and Committee may be enabled the better to do ſaid rvice;*

*Be it further enacted by the Authority aforeſaid,* That the Select-men and mmittee aforeſaid, or the major Part of them, ſhall and may make all per and neceſſary Contracts, and commence, proſecute and purſue all need-Suits, Actions and Cauſes in the Law, for the Purpoſe and End aforeſaid. And that ſuch Select-men and Committees as ſhall from Time to Time cceed, and come in the Room and Stead of others removed by death or erwiſe, ſhall have the ſame Power in their own Names to act, appear, ſecute and purſue, in and upon any Contract, Suit, Action or Cauſe, for concerning the Matters aforeſaid, as fully as thoſe whom they ſucceed in Office aforeſaid, might or could do if they had not been removed, as reſaid.

Selectmen & Committees to make contracts, &c.

Succeſſors enabled to ſue, &c.

*And whereas divers of the Societies aforeſaid, are made, or ſuch Societies may ereafter made and conſtituted of two or more adjoining Towns, ſo that part he Inhabitants of the Society live in one Town, and part in another.*

*And whereas by Virtue of the Grants, Donations, or Sequeſtrations aforeſaid, Part of a Society that live in one of the ſaid adjoining Towns, have or may Lands, Monies, or other Eſtates, belonging to that Part diſtinct from the of the Society, for the Uſe aforeſaid.*

Be

Such parts of ſocieties as have diſtinct intereſt, to meet, &c.

*Be it therefore further Enacted, by the Authority aforeſaid*, That ſuch parts of Societies having ſuch diſtinct Intereſts, ſhall, and may meet among themſelves, and from Time to Time act, order, and direct, reſpecting ſuch their diſtinct Intereſts, for the Uſe aforeſaid, according to the Proviſion before in this Act made for Societies in regard to ſuch Intereſts.

And to form themſelves agreeable to Law.

And where any ſuch Parts of a Society have not already had any Meeting, or formed themſelves, they may, and hereby are directed to take the ſame Method in forming themſelves as Societies by Law are directed to take in their firſt forming themſelves to act: And being formed, may chooſe a Clerk, who ſhall be ſworn to a faithful Diſcharge of his Truſt; and alſo may chooſe a Committee to take care of and improve the Intereſts aforeſaid, for the Uſe aforeſaid; who ſhall have the ſame Power and Authority, and be under the ſame Regulation in their ſaid Truſt, as is given and provided by this Act, to, and concerning the Committees of Societies reſpecting ſuch Intereſts.

To warn meetings, &c.

And the ſaid Committee of ſuch Part of a Society may warn Meetings of the Inhabitants of ſuch Parts, and appoint Time and Place for that Purpoſe; or on their Neglect or Refuſal, the Clerk of ſuch Part of a Society, on Application of any five Inhabitants, may warn the ſame by ſetting up a Warning for that Purpoſe, in ſome proper Place or Places, within the limits of ſuch part of a Society. In which Meetings the Inhabitants may proceed to act in any Matters proper for them to act in.

Proviſo.

*Provided always*, That no Meeting mentioned in this Act, be held within leſs than five Days after Warning given, or ſet up as aforeſaid; and that no Perſon be allowed to vote or act in any Meeting of any Town, Society, or part of a Society, in the Matters aforeſaid, not qualified as before in this Act is provided, or that doth not belong to, or pay towards the maintenance of that Miniſtry for the Support whereof ſuch Intereſts have been, or ſhall be granted, given, or ſequeſtred, as aforeſaid; any Thing before in this Act to the contrary in any wiſe notwithſtanding.

## An Act aſcertaining the Value of Money.

Money fixed, ſilver at the rate of ſix ſhillings per dollar, gold at the rate of five ſhillings & four-pence per dwt.

*BE it enacted and declared by the Governor, Council, and Repreſentatives, in General Court aſſembled and by the Authority of the ſame*, That the ſeveral Sums of Money, that are, or ſhall be mentioned, fixed, or ſtated by the Laws of this State, for Fines, Fees, Penalties, Duties, Bounties, Fares, Forfeitures and the like, (unleſs ſome other Coin or Currency be, or ſhall be there expreſſed and fixed) are and ſhall be underſtood and taken to be lawful Money; that is to ſay, Gold or Silver Coin, eſtimating the ſilver Spaniſh milled Dollar, weighing not leſs than ſeventeen Penny-weight and ſix Grains, at Six Shillings each, and all other ſilver Coin in Proportion thereto, according to its Weight and Fineneſs; and that all Gold Coin of the fineneſs of a Half-johanneſs, ſhall be at the Rate of Five Shillings and Four-pence Penny-weight, and ſo in Proportion according to its Weight and Fineneſs. And the ſaid Fines, Fees, Penalties, Duties, Bounties, Fares, Forfeitures, &c. may be anſwered and diſcharged in ſilver and gold Coin, at the Rates aforeſaid; unleſs where any particular Law doth or ſhall expreſsly order otherwiſe.

Proviſo.

*Provided nevertheleſs*, That nothing in this Act is meant or ſhall be conſtrued to interfere with the Right and Power delegated to Congreſs, of regulating the Alloy and Value of Coin that may be ſtruck by their own Authority, or by that of the reſpective States; any Thing herein to the contrary notwithſtanding.

## An Act to oblige the ſeveral Towns on the Poſt-Roads, to erect Monuments, ſhewing the Diſtances from the ſeveral County Towns on ſaid Roads.

*BE it enacted by the Governor, Council and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,* That it ſhall be the Duty of the Select-men in the ſeveral Towns, on the ſeveral Poſt-Roads in this State, at the Expence of ſuch Town, to erect and keep up *Mile-Stones*, at leaſt two Feet high, near the Side of the common travelling Road, marked with the Diſtances from the County Town of the County where ſuch Town lies, according to the Menſuration made by public Order.

Select-men to erect mile-ſtones on the roads.

*Be it further Enacted*, That if the Select-men in ſuch Towns, ſhall neglect to erect ſuch Stones, marked as aforeſaid, and to keep up the ſame for the Space of one Month after Notice given to them for that purpoſe, ſhall pay and forfeit the Sum of *Forty Shillings*, one Half to him or them who ſhall proſecute the ſame to Effect, the other Half to the Treaſury of the Towns where ſuch Select-men belong.

Penalty for neglect in erecting.

*And be it further Enacted*, That if any Perſon or Perſons, ſhall preſume to pull down, brake or deface any ſuch Monument or Monuments, or any other Monuments for the Direction of Travellers, erected by the Order or Approbation of the Select-men, ſhall incur a Penalty of *Forty Shillings*; to be recovered by the Select-men, of ſuch Town where the Offence is committed, for the Uſe of ſaid Town, by Bill, Plaint, or Information, before any Court proper to try the ſame.

Penalty on ſuch as pull down or deface monuments.

## An Act for ſuppreſſing of Mountebanks.

*WHEREAS the Practice of Mountebanks, in dealing out and adminiſtering Phyſic and Medicine, of unknown Compoſition, indiſcriminately to any Perſons, whom they can by fair Words induce to purchaſe and receive them, without duly conſulting, or Opportunity of duly conſulting and conſidering the Nature and Symptoms of the Diſorder for which, and the Conſtitution and Circumſtances of the Patient or Receiver, to whom they adminiſter, has a Tendency to injure and deſtroy the Health, Conſtitution and Lives of thoſe who receive and uſe ſuch Medicines.*

Preamble.

*And whereas the Practice of Mountebanks in publicly advertiſing and giving Notice of their Skill and Ability to cure Diſeaſes, and the erecting public Stages and Places from whence to declaim to, and harrangue the People on the Virtue and Efficacy of their Medicines; or to exhibit by themſelves or their Dependants, any Plays, Tricks, Jugling or unprofitable Feats of uncommon Dexterity and Agility of Body, tends to draw together great Numbers of People to the Corruption of Manners, Promotion of Idleneſs, and the Detriment of good Order and Religion, as well as to tempt and enſnare them to purchaſe ſuch unwholeſome and oftentimes dangerous Drugs.*

*BE it therefore enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Mountebank, or Perſon whatſoever under him, ſhall exhibit, or cauſe to be exhibited in any public Stage, or Place whatſoever, within this State, any Games, Tricks, Plays, Jugling, or Feats of uncommon Dexterity and Agility of Body, tending to no good and uſeful Purpoſes, but tending to collect together Numbers of Spectators, and gratify vain or uſeleſs Curioſity.

No mountebank, &c. publickly to exhibit tricks.

Nor ſhall any Mountebank, or Perſon whatſoever under him, at or on any ſuch Stage or Place, offer, vend, or otherwiſe diſpoſe of, or invite any Perſons ſo collected, to purchaſe or receive any Phyſic, Drugs or Medicine recommended to be efficacious and uſeful in various Diſorders.

Nor offer phyſic for ſale.

Penalty of 20l.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be guilty of any Breach of this Act, on Conviction thereof before any Court proper to try the ſame, every Perſon ſo offending ſhall forfeit and pay the Sum of *Twenty Pounds*, for each and every ſuch Offence, for the Uſe of him who ſhall ſue for, and proſecute the ſame to Effect, and ſo *toties quoties*.

Informing officers to make preſentment.

*Be it further enacted by the Authority aforeſaid*, That it ſhall be the Duty of all informing Officers, to make Preſentment of all Breaches of this Act; in which Caſe the Fine ſhall belong to the Treaſury of the County wherein ſuch Conviction is had.

Proviſo.

*And it is further provided*, That if any Servant, or any Minor or Apprentice under Age, ſhall be guilty of breaking any Paragraph of this Act, on Conviction thereof, his or their Fine or Penalty ſhall be paid by the Parent, Maſter or Guardian, under whoſe Direction the ſame ſhall be committed or done; and that Execution ſhall be awarded accordingly.

## An Act for the Puniſhment of Murder.

Murder to be puniſhed with death.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled and by the Authority of the ſame*, That if any Perſon ſhall commit any wilful Murder, upon Malice, Hatred, or Cruelty; not in a Man's juſt and neceſſary Defence; nor by Caſualty againſt his Will: Or ſhall ſlay or kill another through Guile, either by Poiſoning, or other ſuch atrocious Practices, he ſhall be put to Death.

*And Whereas many lewd Women that have been delivered of Baſtard Children to avoid their Shame, and to eſcape Puniſhment, do ſecretly bury or conceal the Death of their Children; and after, if the Child be found Dead, the Mother thereof is apt to alledge that the ſaid Child was born dead; whereas it ſometimes falleth out (although hardly to be proved) that the ſaid Child or Children were murdered by the ſaid Women, their lewd Mothers; or by their Aſſent or Procurement.*

Murder of a baſtard child to be puniſhed with death

*Be it therefore further enacted by the Authority aforeſaid*, That if any Woman be delivered of any Iſſue of her Body, Male or Female, which if it were born alive would by Law be a Baſtard; and that ſhe endeavour privately, either by drowning, or ſecret burying thereof; or any other Way, either by herſelf, or by the procurement of others, ſo to conceal the Death thereof, that it may not come to Light whether it was born alive or not; but be concealed: In every ſuch Caſe, the Mother ſo offending, ſhall be accounted guilty of Murder; and ſhall ſuffer Death therefor as in Caſe of Murder: Except ſuch Mother can make Proof by one Witneſs, (at leaſt) that ſuch Child was born Dead.

Mode of evidence pointed out.

## An Act for the Regulation of Navigation.

Preamble.

*WHEREAS this State, as a free, ſovereign and independent State, has an equal Right with all other ſovereign Powers, to the free and undiſturbed Navigation of the High Seas, and to participate equally with them in all the Immunities, Privileges, Benefits and Advantages accruing thereby, and reſulting therefrom, and to exerciſe a concurrent Juriſdiction thereon; and to make ſuch Laws and exerciſe ſuch Powers, conſiſtent with the Laws of Nature and Nations, as ſhall tend to regulate, protect and defend the Subjects and Citizens of this State in the free Enjoyment thereof.* Wherefore,

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Governor of this State,

State for the Time being, ſhall be the *Super-Intendant* of *Marine*; and all Commiſſions, Letters of Marque and Repriſal, Paſſports, Letters of Safe-Conduct, Flags of Truce, Regiſters, and all other Papers and Documents whatſoever, relative to the Marine Department, that may iſſue out under the Authority, and agreeable to the Laws of this State, ſhall be in his Name, in the Stile of *Governor*, and *Super-Intendant* of *Marine* for the State of *Connecticut*. And all Judges of Admiralty in this State, ſhall be commiſſioned by the Governor, being firſt nominated, and appointed by the General Aſſembly; and all Naval-Officers ſhall be nominated, appointed and commiſſioned by the Governor for the Time being, in ſuch Diſtricts and at ſuch Ports as ſhall from Time to Time be ordered and directed by Act of Aſſembly.

All commiſſions, &c. in the marine department, to be ſigned by the governor, &c.

Judges of admiralty how appointed, &c.

*Provided nevertheleſs*, That ſaid Naval-Officers, or any, or either of them, may at any Time be removed from their Offices by the General Aſſembly at their Will and Pleaſure. And the Governor, may likewiſe nominate, appoint and commiſſionate one or more *Notary Publics* in this State, as the commercial Intereſts thereof may render it neceſſary or convenient.

Proviſo.

*And be it further enacted by the Authority aforeſaid*, That there ſhall be kept at each of the Ports of *New-London*, *New-Haven*, *Middletown*, and *Norwalk* reſpectively, one Naval-Officer who ſhall be nominated and deputed to ſaid Office as aforeſaid; and each Officer ſo appointed, before he enters upon ſaid Buſineſs, ſhall become bound with ſufficient Sureties in a recognizance of one thouſand Pounds to the Treaſurer of this State for the faithful Diſcharge of the Duties of ſaid Office; to enter and clear out Veſſels and their Cargoes, and to do and act therein in ſuch Way and Manner, and according to ſuch Rules and Orders as to ſuch, their reſpective Offices, do or ſhall appertain; and for the faithful and punctual payment of all ſuch Sum or Sums of Money into the Public Treaſury, that he may receive for any Duty or Impoſt laid, or which ſhall be laid by Act of this State.

Ports named where naval-offices are to be kept.

*Provided nevertheleſs*, That if any Naval-Officer ſhall fail in punctual paying up all the Duties by him collected, or ſhall be guilty of any Miſdemeanance or Negligence in Office, upon Complaint and Proof thereof, made to his Excellency the Governor, it ſhall be the Duty of the Governor, (*ex officio*) immediately to diſmiſs ſaid Officer from his Office, and to appoint another in his Room and Stead.

Proviſo.

*And be it further enacted by the Authority aforeſaid*, That the Naval-Officers ſhall have and receive the ſeveral Fees and Allowances as ſet and aſſeſſed in the Table of Fees: And it ſhall be the Duty of ſaid Naval-Officers reſpectively, to affix up in their Offices in ſome public Place, where it may be ſeen and read, a true Copy of the Table of Fees. And if any Officer aforeſaid ſhall preſume to aſk, demand, or receive any more Fees for any Services by them officially done, than is by Law allowed, ſuch Officer ſo tranſgreſſing, upon Complaint and Proof made thereof to his Excellency the Governor, he ſhall be removed from ſaid Office, and another put in his Room and Stead.

Table of *fees* to be fixed up in the office.

*And be it further enacted by the Authority aforeſaid*, That all Veſſels of the Burthen of fifteen Tons and upwards, ſhall each take out a Regiſter, wherein ſhall be deſcribed the Name of the Veſſel, her Deſcription, Tonage, the Place where built, and the Time when, Maſter's Name, with the Names of the Owners, which Owners muſt be Inhabitants of the United States, and no Foreigner to be directly or indirectly concerned therein: The Form of ſuch Regiſter ſhall be as follows, viz.

Veſſels to take out a regiſter.

STATE of CONNECTICUT.

} of

} eth Oath, That the called the whereof is at preſent

Form.

Maſter, being a ſquare-ſterned Veſſel of the Burthen of Tons or thereabouts, was at preſent Owner thereof; and that no Foreigner, directly or indirectly, hath any Share, or Part, or Intereſt therein.

PORT OF

The Oath aforeſaid was adminiſtred at the Naval-Office for the Port of the Day of Anno Domini, One thouſand ſeven hundred and eighty , and in the Year of our Independence;

By me

The foregoing recorded in the Naval-Office aforeſaid.

Veſſels under 15 tons, may take permit.

And every Veſſel under the Dimenſions aforeſaid, inſtead of a Regiſter, ſhall and may take out a Permit from the Cuſtom-Houſe, ſigned by the Naval-Officer of the Port in whoſe Diſtrict ſaid Veſſel belongs, which ſhall be ſufficient for the Purpoſe of enabling the Maſter or Owner thereof to clear out Coaſtwiſe.

To make true entry, and take out clearance, &c.

And all Veſſels in this State ſhall make true Entries, and take out proper Clearances at the reſpective Ports of Entry, and Clearance proper for that Purpoſe, and obſerve and obey all ſuch Cuſtoms, Rules, Laws and Regulations as have or ſhall be made relative thereto. And whatever Veſſel ſhall neglect or refuſe to take out and furniſh themſelves with the proper Papers aforeſaid; upon Seizure and Information made to the Court proper to try the ſame, ſhall be liable to Condemnation; one Half to the Proſecutor who ſhall proſecute the ſame to effect, and the other Half to the Uſe of the public Treaſury of this State.

Liable to condemnation for neglect.

## An Act for incorporating a Part of the Town of *New-Haven*.

Deſcription of the perſons that are incorporated.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Freemen of this State, Inhabitants of ſaid *New-Haven*, dwelling and inhabiting within the following Bounds, viz. Beginning at the North-Eaſt Corner of the Long Bridge (ſo called) in ſaid *New-Haven*, and running on the North-Side of ſaid Bridge and the Highway, ſo as to take in ſaid Bridge and Highway to the North-Eaſt Corner of the Neck-Bridge; then a-croſs the ſame on the North-Side of the ſame to the North-Weſt Corner of ſaid Bridge; then in a direct Line Weſtward to the Bridge a-croſs the Weſt-River, commonly called *Thompſon*'s-Bridge, to the North-Eaſt Corner of ſaid Bridge; then down the ſaid Weſt-River, on the Eaſt Bank thereof, to the Mouth of ſaid River; and from thence a ſtraight Line to the extreme Point of the Land commonly called Five-Mile Point, on the Eaſt-Side of *New-Haven* Harbour at High Water Mark on ſaid Point; thence Northward on the Shore, on the Line of High Water Mark, up to the Point, where the Waters of the Little-River and the greater Waters, being Part of the Eaſt River, fall into each other; thence acroſs the Mouth of ſaid Little-River to the Eaſt-Shore of the Eaſt-River; then up ſaid Eaſt-River on the Line of High-Water Mark to the firſt mentioned Point at the North-Eaſt Corner of the Long-Bridge; be, and the ſame are hereby Ordained, Conſtituted, and Declared to be from Time to Time, and forever hereafter, one Body Corporate and Politic, in Fact, and in Name, by the Name of, THE MAYOR, ALDERMEN, COMMON COUNCIL, AND FREEMEN OF THE CITY OF NEW-HAVEN; and that by that Name, they and their Succeſſors forever, ſhall and may have perpetual Succeſſion; and ſhall be Perſons in Law, capable of Suing and being Sued, Pleading and being Impleaded in all Suits of what Nature ſoever; and alſo to purchaſe, hold, and con-

Bounds of the city.

Name of the corporation.

Capable of ſuing, &c.

any

any Eſtate, real or perſonal, and may have a common Seal, and may change and alter the ſame at Pleaſure; and ſhall be Freemen of ſaid City.

Who are freemen of the city.

*And whereas there are many Perſons living within ſaid Limits, who by Law are qualified to be Freemen of this State, that have not taken the Oath provided by Law to be taken by Freemen.*

*Be it enacted*, That all ſuch Perſons, living within ſaid Limits, who ſhall, before the ſecond Monday of *February* next, procure the major Part of the Select-men of the ſaid Town of *New-Haven*, to certify that they are qualified to be admitted and made free of this State, and ſhall after procuring ſuch Certificate, take before ſome Aſſiſtant of this State, or Juſtice of Peace within and for the County of *New-Haven*, the Oaths provided by Law for Freemen, ſhall to all the Purpoſes in this Act mentioned, be conſidered as Freemen of this State, and Freemen of the ſaid City of *New-Haven*.

Perſons living within the city, procuring a certificate, &c. to be freemen of the ſtate and city.

*And for the better Government of ſaid City:*

*Be it further Enacted*, That there ſhall be a Meeting of ſaid City holden annually in *June*, at ſuch Time and Place as by the Bye-Laws of ſaid City ſhall be directed, for the Purpoſe of chuſing all the annual Officers of ſaid City; and the annual Officers of ſaid City choſen at ſuch Meeting, ſhall continue in Office until the Expiration of the Month of *June* then next, unleſs others ſhall be ſooner choſen and qualified in their Stead.

Annual meeting to be in June, for the purpoſe of chuſing annual officers. Continuance in office.

And the ſaid City in legal Meeting aſſembled, ſhall chooſe a Mayor, who ſhall hold his Office during the Pleaſure of the General Aſſembly; and at their annual Meeting ſhall chuſe four Aldermen, and a Common Council of not more than Twenty, and two Sheriffs out of the Freemen of ſaid City; all which Officers, and all other Officers of ſaid City, eligible by the Freemen thereof, (the Inſpectors of Produce excepted) ſhall be choſen by Ballot; and on each Ballot which is given in, ſhall be written the Name of the Perſon for whom the ſame is given; and ſuch Ballot ſhall be rolled up, and in the Preſence of the Mayor and Aldermen of ſaid City, or ſuch of them as are preſent at ſuch Meeting, put, by the Perſon giving the ſame, into a Box, which ſaid City ſhall provide for that Purpoſe; which Box ſhall be a cloſe Box, with a Hole of a convenient Size in the Lid thereof, through which to put in the Ballot. And when the Freemen preſent at any City Meeting, ſhall have had reaſonable Time to give in their Ballot, either of the Sheriffs of ſaid City, or in the Abſence of both the Sheriffs, the junior Alderman preſent, in the Preſence of the Mayor and Aldermen, or ſuch of them as are preſent at ſuch Meeting, ſhall open the ſaid Box; and the Mayor and Aldermen or ſuch of them as are preſent, ſhall open, ſort and count the Ballots; and the Perſon who ſhall have the Majority of the Ballots given in, ſhall by the Sheriffs, or in their Abſence, by the junior Alderman preſent, be declared to be elected: And no Ballots ſhall be received after the Box ſhall have been opened.

To chuſe a mayor, to continue in office during, &c.
To chuſe four aldermen, &c.
Mode of chuſing to be by ballot, &c.
The box by whom opened.
The mayor and aldermen to ſort and count the votes.
Who to declare the Choice.

And ſaid City in legal Meeting aſſembled, ſhall have Power to levy Taxes on the Polls and Eſtate within the Limits of ſaid City, for ſuch Purpoſes as ſaid City ſhall think proper; and to chuſe a Collector or Collectors, to collect ſuch Tax; who ſhall, having received a Warrant for that Purpoſe, ſigned by the Mayor, or by one of the Aldermen of ſaid City, have the ſame Power as Collectors of Town Taxes by Law have; and ſhall be accountable to the Mayor and Aldermen of ſaid City, in the ſame Manner as Collectors of Town Taxes are by Law accountable to the Select-men. And in Caſe any Collector ſhall not perform the Truſt committed to him, but ſhall fail of collecting ſuch Rate according to the Terms of the Warrant committed to him, on Complaint thereof made by the Aldermen of ſaid City to the Mayor thereof, he ſhall iſſue a Warrant under his Hand, directed to either of the Sheriffs of ſaid City, to diſtrain the Sums or Rates neglected by ſuch Collector to be collected, or paid, out of the Eſtate of the Collector.

The city to have power to levy taxes.
To chuſe a collector.
Warrant by whom ſigned.
Collectors accountable & to whom.
Complaint being made, &c. mayor to iſſue his warrant, &c.

*And*

Power of the ſheriffs.

Liable for neglect of duty.

City to anſwer in caſe of inability, &c.

Sheriffs to give bond, &c.

On failure, a new one to be choſen.

To chuſe a treaſurer.

A city court to be held monthly.

Power to adjourn.

Juriſdiction.

To have the ſame powers, &c. as county courts, & executions ſerved, &c. as thoſe from the county court.

Appeals to be allowed.

The prevailing party if, &c. may take out execution, &c.

Provided bond be given.

No appeal to be allowed on a ſuit on ſuch bond.

If the plaintiff lives without the city, no appeal allowed the defendant within, unleſs, &c.

*And be it further enacted by the Authority aforeſaid*, That the Sheriffs of ſaid City ſhall ſeverally within the Limits of ſaid City, have the ſame Powers and Authorities, and be liable to the ſame Suits or Penalties for neglect of Duty in any Caſe whatever, to all Intents and Purpoſes, as Sheriffs by Law now have and are; and the ſaid City ſhall be liable to anſwer in caſe of the Inability of ſaid Sheriffs, or either of them, for the Default of ſaid Sheriffs, in all Caſes relative to their Office.

And ſaid Sheriffs ſhall ſeverally give Bond with Sureties, in ſuch Manner as by the Bye-Laws of ſaid City ſhall be directed, for a faithful Diſcharge of the Duties of that Office, before they ſhall be capable of executing the ſame. And in caſe either of the Perſons choſen Sheriff ſhall not give Bond with Sureties, according to the Bye-Laws of ſaid City, the ſaid City may proceed to chuſe another Sheriff in his Room.

And the ſaid City in legal Meeting aſſembled, ſhall chuſe a Treaſurer for ſaid City, to continue in Office during the Pleaſure of ſaid City, who ſhall have the ſame Powers within ſaid City as Town-Treaſurers now by Law have, and ſhall be accountable to ſaid City.

*And be it further Enacted*, That there ſhall be holden monthly, on the ſecond Tueſday of every Month, in ſaid City, a City Court; which Court ſhall have Power to adjourn from Time to Time, and ſhall have cognizance of all Civil Cauſes where the Title of Land is not concerned, by Law cognizable by the County Courts in this State, provided the Cauſe of Action ariſe within the Limits of ſaid City, and one or both the Parties live within ſaid City; and the ſaid City Court ſhall, as to the Cauſes by them Cognizable, to all Intents and Purpoſes, have the ſame Powers and Authorities, and proceed in the ſame Manner and grant Executions, as ſaid County Courts now or hereafter by Law ſhall have, proceed and grant; and the Executions granted by ſaid City Court ſhall be ſerved and returned in the ſame Manner as the Executions granted by the ſaid County Courts, and Appeals ſhall be allowed to either Party, from the Judgment or Determination of ſaid City Court, to the next Superior Court to be holden in the County of *New-Haven*, in all Cauſes in which an Appeal is now or hereafter by Law ſhall be allowed from the ſaid County Courts; the prevailing Party however, if Plaintiff, may, ſuch Appeal notwithſtanding, take out Execution on ſuch Judgment for the Debt or Damages and Coſt recovered in ſuch City Court, againſt the Defendant or Defendants, and levy the ſaid Execution, and collect the Money thereon, provided he does previous to his taking out ſaid Execution, become bound with two ſufficient Sureties before the Mayor of ſaid City, or one of the Judges of ſaid City Court, in a Recognizance (which Recognizance the Mayor of ſaid City and the Judges of ſaid City Court are reſpectively impowered to take) in double the Sum of ſaid Judgment, that he will, within one Week after final Judgment on the Appeal, refund ſo much of the Judgment of the ſaid City Court, together with the Intereſt thereof, as ſhall on ſuch Execution be collected, and ſhall not be by him recovered before the Court to which the Appeal is taken, together with the Execution Fees that ſhall accrue, and be paid by the Defendant on ſaid Execution; and no Appeal ſhall be allowed on any Suit commenced on ſuch Recognizance.

And in every Action brought before ſaid City Court, in which the Plaintiff lives without the Limits of ſaid City, or is a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of ſaid City, no Appeal ſhall be allowed the Defendant unleſs the Matter in Demand exceed the Sum of Fifty Pounds lawful Money; but if the Matter in Demand exceed ſaid Sum, an Appeal ſhall be allowed the Defendant in the ſame Manner and under the ſame Regulations as Appeals are allowable in other Cauſes cognizable by ſaid City Court. And no Writ of Error brought upon any Judgment of ſaid City Court ſhall ſuperſedeas. And

And ſaid City Court ſhall have full Power to appoint and ſwear a Clerk for ſaid Court, to continue in Office during the Pleaſure of ſaid Court; which Clerk ſhall, as to all Matters relative to his Office as Clerk of ſaid Court, have the ſame Powers and Authorities, to all Intents and Purpoſes, as the Clerks of the County Courts in this State by Law have; and the Oath to be taken by the ſaid Clerk, ſhall be the ſame, *mutatis mutandis*, provided by Law to be taken by the Clerks of the ſaid County Courts of this State.

City courts to appoint and ſwear a clerk.

His powers.

And the Mayor of ſaid City, or in his Abſence the ſenior aſſiſtant Judge of ſaid City Court, may at the ſpecial Inſtance of, and Coſt of any Perſon moving therefor, hold a ſpecial City Court, at ſuch Time and Place within ſaid City, as the Mayor or Judge ordering the ſame ſhall appoint; which Court ſhall proceed in the ſame Manner, have the ſame Powers and Authorities, and in all Reſpects be under the ſame Regulations as the ſtated City Courts of ſaid City; and all the taxable Fees of ſaid City Court, ſhall be the ſame as the taxable Fees of the County Courts of this State.

The mayor, or in his abſence the ſenior aſſiſtant judge may call a ſpecial court.

Fees.

*And be it further Enacted*, That the Mayor of ſaid City for the Time being, and the two Aldermen firſt choſen at the *annual* Meeting of ſaid City, or at their firſt Meeting, ſhall compoſe the ſaid City Court, and be the Judges thereof; and the Mayor ſhall be the chief Judge of ſaid Court, and the ſaid two Aldermen ſhall be the aſſiſtant Judges of ſaid Court, any two of whom, in the Abſence of the other, taking to their Aſſiſtance the ſenior Alderman preſent that is not a Judge of ſaid Court, or if neither of the Aldermen that are not Judges of ſaid Court can attend, one of the Juſtices of the Peace within and for the County of *New-Haven*, reſident within ſaid City, ſhall have Power to hold a City Court.

Mayor & two aldermen firſt choſen to be the judges.

Who to be judges in caſe of abſence, &c.

And if at any City Court there ſhall be but one Judge preſent, he ſhall take to his Aſſiſtance the other two Aldermen of ſaid City, and in caſe one or both of them cannot attend, he ſhall take one or two of the Juſtices of the Peace, as the caſe may require, of the County of *New-Haven*, reſident within the ſaid City, and they three ſhall have the ſame Power to hold a City Court, as the Judges of ſaid City Court have.

If but one judge preſent then to take, &c.

*And be it further Enacted*, That the Mayor and Aldermen of ſaid City, ſhall ſeverally, within the limits of ſaid City, have cognizance of all civil Cauſes at Law cognizable by a Juſtice of the Peace, provided the cauſe of Action ariſe within the limits of ſaid City, and one or both the Parties live within the ſame: And the ſaid Mayor and Aldermen ſhall, as to the cauſes by them ſeverally cognizable, have the ſame Powers and Authorities, and proceed in the ſame Manner as Juſtices of the Peace, now, or hereafter, by Law ſhall have and proceed.

Mayor and aldermen to have cognizance of civil cauſes in the city.

Same power as juſtices.

And an Appeal ſhall be allowed from the Judgment or Determination of the Mayor and Aldermen, in any cauſe by them cognizable ſeverally, to the next City Court to be holden within ſaid City, in all Cauſes in which an Appeal is now or hereafter ſhall be allowed from the Judgment of a Juſtice of the Peace; the prevailing Party however, if Plaintiff, may, ſuch Appeal notwithſtanding, take out Execution on ſuch Judgment, provided he gives bond before the Mayor of ſaid City, or one of the Judges of ſaid Court, in the ſame Manner as is provided in caſes of Appeal from ſaid City Court.

Appeal allowed to the next city court.

And in every Action brought before the Mayor or either of the Aldermen of ſaid City, in which the Plaintiff lives without the limits of ſaid City, or in which the Plaintiff is a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of ſaid City, no Appeal ſhall be allowed the Defendant.

Where the plaintiff lives without, or is a mariner, &c no appeal.

And the taxable Fees in all Cauſes cognizable by the Mayor, or by one of the Aldermen of ſaid City ſeverally, ſhall be the ſame as the taxable Fees in like Caſes, before Juſtices of the Peace: And the Proceſſes in all Actions brought to ſaid City Court, ſhall be the ſame as the Proceſſes to the County Courts in this State; and the Proceſſes in all Actions brought before the

Taxable fees, &c.

Proceſſes the ſame as to the county court.

Mayor

Mayor or one of the Aldermen of ſaid City, ſhall be the ſame as the Proceſſes in Actions brought before a Juſtice of the Peace, and be ſigned by the Governor, Lieutenant-Governor or one of the Aſſiſtants of this State, or by a Juſtice of the Peace, within and for the County of *New-Haven*, or by the Mayor or one of the Aldermen of ſaid City, or the Clerk of ſaid City Court, and ſhall be ſerved by a Sheriff, Deputy-Sheriff, or Conſtable, to whom directed, according to the Laws of this State, and the Proviſions of this Act. And all Bonds for Proſecution taken by any of ſaid Officers hereby impowered to ſign Writs, ſhall be good and effectual in Law. And Bonds for Proſecution, ſpecial Bail, and Bonds for Appeal, ſhall be taken to the adverſe Party: Provided nevertheleſs, That no Writs, (Executions excepted) or Proceſs, ſigned by the Mayor, or either of the Aldermen, ſhall be of any Effect without the Limits of ſaid City.

By whom ſigned,

and ſerved.

Bonds for proſecution, &c.

except, &c.

*And be it further enacted by the Authority aforeſaid*, That the ſaid Mayor, Aldermen and Common Council, ſhall on the firſt Monday of *July* annually meet, and ſhall then chuſe One Hundred and Forty-four Freemen of ſaid City, to ſerve as Jurors at ſaid City Court, and ſhall return the Names of ſaid Jurors, under the Hand of the Mayor of ſaid City, if preſent, or in caſe of his Abſence, under the Hand of the ſenior Alderman preſent at ſuch Meeting, to the Clerk of ſaid City Court, who ſhall write each Juror's Name thus choſen, fairly on a ſeparate Piece of Paper, and roll up and put the ſame into a Box, which he ſhall provide and keep for that Purpoſe; and whenever either of the Sheriffs of ſaid City ſhall receive a Warrant from the Clerk of the City Court, to ſummon a Jury to appear before ſaid Court, the Sheriff receiving ſuch Warrant, taking with him one of the Aldermen of ſaid City, ſhall repair to the ſaid Clerk's Office, and there, in the Preſence of ſaid Alderman and Clerk, ſhall take out of ſaid Box twelve of ſaid Papers, and the Perſons whoſe Names ſhall be found written therein, ſhall be ſummoned to appear before the Court, to which the Warrant is returnable, and ſerve as Jurors; and in caſe of neglecting to attend, ſhall be liable to ſuch Penalties as ſhall by the Bye-Laws of ſaid City be inflicted for ſuch Neglect; and in caſe a compleat Pannel ſhall not attend, or in caſe any ſhall be challenged or excuſed, the Sheriff attending ſaid Court ſhall ſupply ſuch Deficiency, by drawing in the Preſence of the Court, others out of ſaid Box, and ſummoning them to attend and ſerve, until the Pannel ſhall be complete; and the Names of ſuch Jurors as do not attend, or are excuſed, ſhall be returned into the Box, and be liable to be drawn again. And the Oath to be taken by ſaid Jurors, ſhall be the ſame as is by Law provided to be taken by Jurors in civil Actions. And the Name of each Juror that attends any City Court and ſerves, ſhall be again written on a ſeparate Piece of Paper, and ſhall be rolled up and put into another Box, which the Clerk of ſaid Court ſhall provide for that Purpoſe, and ſhall be liable to be drawn again, in Caſe there ſhall not, by Reaſon of Death, Removal, or other Cauſe, be a Sufficiency in the other Box, to complete the Pannels that Year, in which they are choſen to ſerve.

Jurymen how and when choſen.

Names of the jurors to be returned to, &c.

Clerk to write the jurors names on, &c.

Jurors how drawn.

Jurors neglecting to attend.

If not a complete pannel, othersdrawn, &c.

Jurors not attending, &c.

Jurors oath to be, &c.

The name of each juror attending, &c.

Liable to be drawn again.

And the ſaid City may chooſe a Clerk of ſaid City, who ſhall make true and regular Entries of all the Votes and Proceedings of ſaid City, and the Records by him kept ſhall be of the ſame Validity in Point of Evidence in any Court of Law in this State, as the Records of Towns are.

The city to chuſe a clerk.

*And be it enacted by the Authority aforeſaid*, That the ſaid Mayor, Aldermen, and Common Council be, and they are hereby impowered to lay new Highways, Streets and public Walks for the Uſe of ſaid City, or to alter thoſe already laid out in ſaid City, and to exchange Highways for Highways, or to ſell Highways for the Purpoſe of purchaſing other Highways, taking the ſame Meaſures in all Reſpects, as are directed by the Laws of this State to be taken, in caſe of Highways laid out by the Selectmen for the uſe of their Towns, and the Party aggrieved by the laying out of ſuch Street

The mayor, &c. to lay out highways, &c. or alter thoſe already laid out, &c.

High-way

Highways, may have the ſame Remedy by Application to the County Court, as is by Law provided in caſes of Highways laid out by Select-men.

Power to exchange or ſell the N. W. part of the green, S. E. ſide to remain a public walk

And ſaid City ſhall have Power to exchange that Part of the Green in ſaid *New-Haven*, lying north-weſterly of the public Buildings, for other Land for Highways, or another Green, and to ſell and diſpoſe thereof for the ſame Purpoſe; and that Part of ſaid Green lying on the ſouth-eaſterly Side of ſaid public Buildings, ſhall forever be and remain a common or public Walk, and never be liable to be laid out in Highways, or appropriated to any other Purpoſe.

City court may fine ſheriffs, &c.

*And be it enacted by the Authority aforeſaid*, That in caſe any Sheriff, Deputy-Sheriff or Conſtable, ſhall not ſerve a Writ directed to, and received by him, that is returnable to ſaid City Court, or ſhall neglect to make Return of ſaid Writ, or ſhall make falſe or undue Return thereof, and a Suit ſhall for ſuch Default, be brought againſt him to the ſaid City Court by the Perſon or his Executor or Adminiſtrator, in whoſe Favour ſaid Writ iſſued, and the Defendant be found in Default; the ſaid Court, over and above awarding juſt Damages to the Plaintiff, may, on ſaid Suit, ſet a ſuitable Fine upon the Defendant, according to the Nature of the Caſe, and may iſſue Execution for ſuch Fine; which Fine ſhall be to the Treaſurer of ſaid City, to and for the Uſe of ſaid City.

Fines to be paid to the city treaſurer

If the defendant lives in the city, the writ to be ſerv'd 6 days before court, &c. if without 12 days.

And in all Caſes wherein the Defendant who is ſued to the ſaid City Court, lives within the limits of ſaid City, the Writ ſhall be ſerved upon him at leaſt ſix Days before the Day of the ſitting of the Court to which the Writ is returnable; but if the Defendant lives without the limits of ſaid City, the Writ ſhall be ſerved at leaſt twelve Days before the ſitting of ſaid Court; and all Writs returnable to ſaid City Court, ſhall be returned to the Clerk of ſaid Court on the Day of the ſitting of ſaid Court, and before the firſt opening of ſaid Court.

Writs returnable before the mayor, &c.

And the Writs that are returnable before the Mayor or either of the Aldermen, ſhall, if the Plaintiff and Defendant both live within the Limits of, or, if the Plaintiff lives without and the Defendant lives within the Limits of ſaid City, or if the Plaintiff be a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of ſaid City, be ſerved upon the Defendant at leaſt three Days before the ſitting of the Court to which it is returnable; but if the Defendant lives without the limits of ſaid City, the Writ ſhall be ſerved upon the Defendant at leaſt ſix Days before the ſitting of the Court to which it is returnable.

Mayor, &c. to be ſworn.

*And be it further Enacted*, That the Mayor, Aldermen, Sheriffs, Common Council and Clerk of ſaid City, ſhall be ſworn to a faithful Diſcharge of their Duty; and the Form of the Oath to be taken by the Mayor of ſaid City, ſhall be as follows, viz.

Form of the oath.

YOU *being elected Mayor of the City of* New-Haven, *do ſwear by the Name of the Everliving God, that you will, without any Partiality, indifferently adminiſter Juſtice according to Law, without reſpect of Perſons, take no Bribe, give no Counſel in any Matter that ſhall come before you, nor deny Right to any, but well and truly perform your Office of Mayor of ſaid City, according to your beſt Skill.* So help you GOD.

Aldermen to be ſworn.

And the Form of the Oath to be taken by the Aldermen of ſaid City, ſhall be the ſame *mutatis mutandis* as is preſcribed by Law to be taken by Juſtices of the Peace.

Form of an oath.

And the Form of the Oath to be taken by the Common Councilmen of ſaid City, ſhall be as follows, viz.

YOU *being elected a Common Council-man for the City of* New-Haven *for the Year enſuing, Do ſwear by the Name of the Everliving God, that you will faithfully and uprightly diſcharge the Duties of that Office, ſo long as you ſhall hold the ſame.* So help you GOD.

Sheriffs to take an oath.

And the Form of the Oath to be taken by the Sheriffs of ſaid City, ſhall be the ſame preſcribed by Law to be taken by the Sheriffs *mutatis mutandis*.

And the Form of the Oath to be taken by the Clerk of ſaid City, ſhall be as follows, viz.

Clerk's oath.

YOU *being choſen Clerk of the City of* New-Haven, *Do ſwear by the Name of the Everliving GOD, that you will truly and faithfully attend and execute the Place and Office of Clerk of ſaid City, according to your beſt Skill, and make true Entries and Records of all the Votes and Proceedings of ſaid City, and ſuch other Matters as by Law, or the Bye-Laws of ſaid City, are to be recorded in your Office; and that you will deliver true Copies of the Records in your Hands, when they ſhall be required of you, taking only your lawful Fees.*

So help you GOD.

By whom adminiſtred.

Which Oaths may be adminiſtred by any Aſſiſtant of this State, or Juſtice of the Peace within and for the County of *New-Haven*, or by the Mayor, or either of the Aldermen of ſaid City; provided the Mayor or Alderman adminiſtring ſuch Oath hath been ſworn according to this Act.

Certificate to be given, and recorded.

And the Perſon adminiſtring the Oath preſcribed by this Act, ſhall give a Certificate thereof under his Hand, to the Officer to whom he adminiſters ſuch Oath, which Certificate ſhall be recorded in the Records of ſaid City, before the Perſon to whom it is given ſhall be capable of executing the Office to which he is choſen.

*And be it further Enacted*, That there ſhall be a Court of Common Council of ſaid City, of which the Mayor, Aldermen, and Common Council of ſaid City ſhall be Members, who, or the major Part of them, ſhall have Power to make Bye-Laws, relative to Markets and Commerce within the limits of ſaid City; relative to Perſons ſummoned to ſerve as Jurors at ſaid City Court, and neglecting to attend or refuſing to ſerve; relative to the Streets and Highways of ſaid City; relative to Nuſances in ſaid City Limits; relative to their Wharves, anchoring and mooring of Veſſels; relative to Trees planted for Shade, Ornament, Convenience, or Uſe, public or private, and to the Fruit of ſuch Trees; relative to Treſpaſſes committed in Gardens; relative to public Walks, and Buildings public or private; to the ſweeping of Chimnies, and preventing ſaid City from Fire; relative to Forms of Oaths to be taken by the Treaſurer of ſaid City, and Inſpectors of Produce brought to ſaid City for Sale or Exportation; relative to the Manner of warning Meetings of ſaid City and the Court of Common Council, and the Time when and Place where they ſhall be holden; relative to the Qualifications in Point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of ſaid City for a faithful Diſcharge of their Duty; relative to the Penalties to be incurred by thoſe, who, being choſen to any City Office, (and not being excuſed by the City) ſhall refuſe to ſerve; relative to a City Watch; relative to the burial of the Dead; relative to the public Lights and Lamps of ſaid City; relative to reſtraining Geeſe and Swine from going at large within the Limits of ſaid City; and relative to the Mode of Taxation as to Taxes levied by ſaid City; and to inflict Penalties for the Breach of ſuch Bye-Laws: Provided however, that ſuch Penalties ſhall in no Caſe exceed Ten Pounds lawful Money; and ſaid Penalties ſhall be to ſuch Perſons as the Bye-Laws of ſaid City ſhall direct, and be recoverable by the Perſons to whom forfeited, by Action of Debt brought to the City Court of ſaid City, which Action no Appeal or Review ſhall be allowed: Provided however that no Bye-Laws of ſaid City ſhall be made repugnant to the Laws of this State. And the catching of Fiſh and Oyſters within the Limits of ſaid City, ſhall not be liable to be regulated, or in any way affected by the Bye-Laws of ſaid City.

Power to make bye-laws.

To inflict pecuniary penalties, not exceeding 10l. Penalties to be to, &c. Recovered by, &c. No appeal. Proviſo.

Catching of fiſh, &c.

And provided alſo, That all the Bye-Laws made by ſaid Court of Common

non Council, ſhall be approved by ſaid City in legal Meeting aſſembled, nd after being ſo approved, ſhall be publiſhed at leaſt three Weeks ſucceſſively in ſome public News-paper, in or near ſaid City, before the ſame hall be of any Validity.

Bye-laws to be publiſhed.

And all the Bye-Laws of ſaid City, ſhall at any Time within ſix Months fter they are made, be liable to be repealed by any Superior Court holden n ſaid County of *New-Haven*, if by ſuch Superior Court, on a Hearing, udged to be unreaſonable or unjuſt.

Liable to be repealed, by, &c. If, &c.

And all Grants and Leaſes of any real Eſtate belonging to ſaid City, igned by the Mayor of ſaid City, and ſealed with the City Seal, and approved by ſaid City in legal Meeting aſſembled, ſhall be good and effectual n Law, to convey the Eſtate intended to be conveyed by ſuch Grant or eaſe; provided the ſame is recorded in the Records of the Town where he Land leaſed or granted lies.

Grants & leaſes ſigned by the mayor, &c

And ſaid City ſhall have Power to appoint Inſpectors of every Kind of roduce of the United States, brought to ſaid City for Sale or Exportation.

Inſpectors of produce.

And the vote or choice of the major Part of the Freemen preſent at any gal Meeting of ſaid City, ſhall be conſidered in all Caſes, as the vote or hoice of ſaid City.

Vote of the major part of the freemen valid.

And whenever the Mayor of ſaid City, or any other Officers of ſaid City, igible by the Freemen thereof ſhall reſign, or be removed by Death, or herwiſe, another Perſon ſhall be choſen in his Place by ſaid City; and f an annual Officer) ſhall continue in Office till the Expiration of the onth of *June* next following, unleſs another ſhall be ſooner choſen and orn in his Stead.

In caſe of death, &c. of any officer, &c.

And the Mayor of ſaid City, or in his Abſence, the ſenior Alderman reſent at any Meeting of ſaid City, or at any Court of Common-Council, all, *ex Officio*, be Moderator thereof. And the Meetings of ſaid City may, om Time to Time, by a major Vote of the Freemen preſent, be adjourned.

Mayor, or &c to be moderator of the city meeting, which may be adjourned.

*And be it further enacted by the Authority aforeſaid*, That the firſt Meeting ſaid City ſhall be holden at the State-Houſe in ſaid *New-Haven*, on the nth Day of *February* next, at nine o'Clock in the Forenoon, for the choice the Mayor, Aldermen, Common Council and Sheriffs of ſaid City, d to tranſact ſuch other Buſineſs as may be neceſſary; which Meeting y be from Time to Time adjourned. And a Copy of this Paragraph this Act, certified under the Hand of the Secretary of this State, and bliſhed on the Sign-Poſt in the Town of *New-Haven*, at leaſt three Days fore ſaid tenth Day of *February*, ſhall be a legal Warning of the Freen of ſaid City to attend ſaid firſt Meeting: And the annual Officers oſen at ſaid Meeting, ſhall continue in Office until the Expiration of xt *June*, unleſs others are ſooner choſen and qualified in their Stead.

Firſt meeting

Annual officers to continue, &c. until &c.

And the ſaid City ſhall, at ſuch Meeting, firſt chuſe a Clerk of ſaid City who ſhall be immediately ſworn, and ſhall forthwith make a Record his being choſen and ſworn, and the Records thus made by him in ſuch ſe, ſhall be good and effectual; any Thing in this Act to the contrary withſtanding. And ſuch Record may be made by the Clerks hereafchoſen, of their being choſen and ſworn, and ſhall be good and effect; any Thing in this Act to the contrary notwithſtanding. And ſaid y ſhall thereupon proceed to chuſe a Mayor, and the other Officers of d City eligible by the Freemen thereof. And the Juſtices of the Peace hin and for the County of *New-Haven*, living and inhabiting within the its of ſaid City, and preſent at ſuch firſt Meeting, ſhall have, as to the Eion of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk ſaid City, the ſame Powers, and proceed in the ſame Manner as the yor, Aldermen and Sheriffs of ſaid City, by this Act are to have and ceed in at the future Elections of ſaid City.

Firſt meeting to chuſe a clerk.

then the mayor, &c.

Power of juſtices living within the limits, &c.

First moderator.

And the ſenior Juſtice of the Peace, within and for the County of *New-Haven*, living within the Limits of ſaid City, preſent at ſaid firſt Meeting, ſhall be Moderator thereof, until there ſhall be a Mayor or Alderman choſen and qualified according to this Act.

First city court to be holden 2d Tueſday of April.

And ſaid City ſhall at their firſt Meeting appoint a Time and Place for holding the firſt Court of Common Council; which Court ſhall have Power to adjourn from Time to Time. And the firſt City Court of ſaid City ſhall be holden on the ſecond Tueſday of *April* next, at the State-Houſe in ſaid City. And the City Courts of ſaid City may be holden in ſaid State-Houſe from Time to Time, or in ſuch other Place in ſaid City as ſaid City ſhall provide and judge proper.

Mayor, &c. on the 2d Tueſday of March, to chuſe 48 jurors.

And the Mayor, Aldermen, and Common Council of ſaid City, ſhall on the ſecond Tueſday of *March* next, at three of the Clock in the Afternoon, hold a Meeting at the State-Houſe, in ſaid *New-Haven*; and ſhall then and there, chooſe forty-eight Freemen of ſaid City, to ſerve as Jurors, until after the firſt Monday of *July* next; and the Name of each Perſon thus choſen, ſhall be fairly written on a ſeparate Piece of Paper, and ſhall be put into the Jury Box, by this Act to be provided by the Clerk of ſaid City Court, and ſhall be drawn out, in the Manner herein before provided with reſpect to Jurors.

Proviſo.

*Always provided*, That any Thing in this Act, notwithſtanding, the Inhabitants living within the Limits of ſaid City, ſhall to all Intents and Purpoſes, be, and remain a Part of the Town of *New-Haven*.

Yale-College.

And that nothing herein contained, ſhall be conſtrued to affect any of the corporation Rights of the Corporation of Yale-College.

Proviſo.

*Provided nevertheleſs*, That if any of the Proviſions in this Act contained, ſhall be found inconvenient, or in any Reſpect inadequate, the ſame on Repreſentation of the City or otherwiſe, may be altered or revoked by the General Aſſembly.

Public act.

And this Act ſhall, to all Intents and Purpoſes, be a public Act.

[*This Act was paſſed by the General Aſſembly at their Seſſions holden at* New-Haven, *on the eighth Day of* January, One thouſand ſeven hundred and eighty-four.]

## An Act for incorporating a Part of the Town of *New-London*.

Deſcription of the perſons that are incorporated.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all freemen of the State, Inhabitants of ſaid *New-London*, dwelling and inhabiting within the following Limits, viz. Beginning at a large Rock on *Plumbe's*-Hill, ſo called about four Rods Weſt of the Road leading from *Norwich* to *New-London*, thence running South 37 Degrees Weſt to a large Rock in Land belonging to *John Aſhcraft*, a little to the eaſtward of Cedar-ſwamp; from thence running South ſix Degrees Eaſt to the main Branch of Alwife-brook, called *Leſter's*-Gut, ſo called; from thence running with ſaid Brook or Gut, and on the Weſt Side thereof at high-water Mark, to the Sound to a large cluſter of Rocks at the weſtern point of ſaid Gut or Brook, called the Great-ſhore rock; and from thence acroſs the Harbour to the South End of the diviſion Line betwixt the Towns of *New-London* and *Groton*; and thence northerly by ſaid Diviſion Line as ſaid Line runs, until it comes to a Point due East from the Bounds firſt above-mentioned, and thence running due Weſt across the River of *Thames*, to ſaid Bound, be and the ſame are hereby Ordained, Conſtituted, and Declared to be from Time to Time, and forever hereafter one Body Corporate and Politic, in Fact and in Name, by the Name of

Bounds of the city.

Name of the corporation.

MAYOR, ALDERMEN, COMMON COUNCIL, AND FREEMEN OF THE C

OF NEW-LONDON; and that by that Name, they and their Succeſſors for ever, ſhall and may have perpetual Succeſſion and ſhall be Perſons in Law, capable of Suing and being Sued, Pleading and being Impleaded in all Suits of what Nature ſoever; and alſo to purchaſe, hold, and convey any Eſtate, real or perſonal, and may have a common Seal, and may change and alter the ſame at Pleaſure; and ſhall be Freemen of ſaid City.

Capable of ſuing, &c.

Who are freemen of the city.

*And whereas there are many Perſons living within ſaid Limits, who by Law are qualified to be Freemen of this State, who have not taken the Oath provided by Law to be taken by Freemen.*

*Be it enacted*, That all ſuch Perſons, living within ſaid Limits, who ſhall, before the ſecond Monday of *March* next, procure the major Part of the Select-men of the ſaid Town of *New-London*, to certify that they are qualified to be admitted and made free of this State, and ſhall after procuring ſuch Certificate, take before ſome Aſſiſtant of this State, or Juſtice of Peace within and for the County of *New-London*, the Oaths provided by Law for Freemen, ſhall to all the Purpoſes in this Act mentioned, be conſidered as Freemen of this State, and Freemen of the ſaid City of *New-London*.

Perſons living within the city, procuring a certificate, &c. to be freemen of the ſtate and city.

*And for the better Government of ſaid City:*

*Be it further Enacted*, That there ſhall be a Meeting of ſaid City holden annually in *June*, at ſuch Time and Place as by the Bye-Laws of ſaid City ſhall be directed, for the Purpoſe of chuſing all the annual Officers of ſaid City; and the annual Officers of ſaid City choſen at ſuch Meeting, ſhall continue in Office until the Expiration of the Month of *June* then next, unleſs others ſhall be ſooner choſen and qualified in their Stead.

Annual meeting to be in June, for the purpoſe of chuſing annual officers. Continuance in office.

And the ſaid City in legal Meeting aſſembled, ſhall chooſe a Mayor, who ſhall hold his Office during the Pleaſure of the General Aſſembly; and at their annual Meeting ſhall chuſe four Aldermen, and a Common Council of not more than Twenty, and two Sheriffs out of the Freemen of ſaid City; all which Officers, and all other Officers of ſaid City, eligible by the Freemen thereof, ſhall be choſen by Ballot; and on each Ballot which is given in, ſhall be written the Name of the Perſon for whom the ſame is given; and ſuch Ballot ſhall be rolled up, and in the Preſence of the Mayor and Aldermen of ſaid City, or ſuch of them as are preſent at ſuch Meeting, put, by the Perſon giving the ſame, into a Box, which ſaid City ſhall provide for that Purpoſe; which Box ſhall be a cloſe Box, with a Hole of convenient Size in the Lid thereof, through which to put in the Ballot: and when the Freemen preſent at any City Meeting, ſhall have had reaſonable Time to give in their Ballot, either of the Sheriffs of ſaid City, or in the Abſence of both the Sheriffs, the junior Alderman preſent, in the preſence of the Mayor and Aldermen, or ſuch of them as are preſent at ſuch Meeting, ſhall open the ſaid Box; and the Mayor and Aldermen or ſuch of them as are preſent, ſhall open, ſort and count the Ballots; and the Perſon who ſhall have the Majority of the Ballots given in, ſhall by the Sheriffs, or in their Abſence, by the junior Alderman preſent, be declared to be elected: And no Ballots ſhall be received after the Box ſhall have been opened.

To chuſe a mayor, to continue in office during, &c.
To chuſe four aldermen, &c.
Mode of chuſing to be by ballot, &c.
The box by whom opened.
The mayor and aldermen to ſort and count the votes.
Who to declare the Choice.

And ſaid City in legal Meeting aſſembled, ſhall have Power to levy Taxes on the Polls and Eſtate within the Limits of ſaid City, for ſuch Purpoſes as ſaid City ſhall think proper; and to chuſe a Collector or Collectors, to collect ſuch Tax; who ſhall, having received a Warrant for that Purpoſe, ſigned by the Mayor, or by one of the Aldermen of ſaid City, have the ſame Power as Collectors of Town Taxes by Law have; and ſhall be accountable to the Mayor and Aldermen of ſaid City, in the ſame Manner as Collectors of Town Taxes are by Law accountable to the Select-men. And in Caſe any Collector ſhall not perform the Truſt committed to him, but ſhall fail of collecting ſuch Rate according to the Terms of the Warrant committed to him, on Complaint thereof made by

The city to have power to levy taxes.
To chuſe a collector.
Warrant by whom ſigned.
Collectors accountable & to whom.

the

Complaint being made, &c. mayor to iſſue his warrant, &c.

the Aldermen of ſaid City to the Mayor thereof, he ſhall iſſue a Warrant under his Hand, directed to either of the Sheriffs of ſaid City, to deſtrain the Sums or Rates neglected by ſuch Collector to be collected, or paid, out of the Eſtate of the Collector.

Power of the ſheriffs.

*And be it further enacted by the Authority aforeſaid*, That the Sheriffs of ſaid City ſhall ſeverally within the Limits of ſaid City, have the ſame Powers and Authorities, and be liable to the ſame Suits or Penalties for neglect of Duty in any Caſe whatever, to all Intents and Purpoſes, as Sheriffs by Law now have and are; and the ſaid City ſhall be liable to anſwer in caſe of the Inability of ſaid Sheriffs, or either of them, for the Default of ſaid Sheriffs, in all Caſes relative to their Office.

Liable for neglect of duty.

City to anſwer in caſe of inability, &c.

Sheriffs to give bond, &c.

And ſaid Sheriffs ſhall ſeverally give Bond with Sureties, in ſuch Manner as by the Bye-Laws of ſaid City ſhall be directed, for a faithful Diſcharge of the Duties of that Office, before they ſhall be capable of executing the ſame. And in caſe either of the Perſons choſen Sheriff ſhall not give Bond with Sureties, according to the Bye-Laws of ſaid City, the ſaid City may proceed to chuſe another Sheriff in his Room.

On failure, a new one to be choſen.

To chuſe a treaſurer.

And the ſaid City in legal Meeting aſſembled, ſhall chuſe a Treaſurer for ſaid City, to continue in Office during the Pleaſure of ſaid City, who ſhall have the ſame Powers within ſaid City as Town-Treaſurers now by Law have, and ſhall be accountable to ſaid City.

A city court to be held monthly.

*And be it further Enacted*, That there ſhall be holden monthly, on the firſt Monday of every Month, in ſaid City, a City Court; which Court ſhall have Power to adjourn from Time to Time, and ſhall have cognizance of all Civil Cauſes where the Title of Land is not concerned, by Law cognizable by the County Courts in this State, provided the Cauſe of Action ariſe within the Limits of ſaid City, and one or both the Parties live within ſaid City; and the ſaid City Court ſhall, as to the Cauſes by them Cognizable, to all Intents and Purpoſes, have the ſame Powers and Authorities, and proceed in the ſame Manner and grant Executions, as ſaid County Courts now or hereafter by Law ſhall have, proceed and grant; and the Executions granted by ſaid City Court ſhall be ſerved and returned in the ſame Manner as the Executions granted by the ſaid County Courts, and an Appeal ſhall be allowed either Party, from the Judgment or Determination of ſaid City Court, to the next Superior Court to be holden in the County of *New-London*, in all Cauſes in which an Appeal is now or hereafter by Law ſhall be allowed from the ſaid County Courts; the prevailing Party however, if Plaintiff, may, ſuch Appeal notwithſtanding, take out Execution on ſuch Judgment for the Debt and Damage and Coſts recovered in ſuch City Courts, againſt the Defendant or Defendants, and levy the ſaid Execution, and collect the Money thereon, provided he does previous to his taking out ſaid Execution, become bound with two ſufficient Sureties before the Mayor of ſaid City, or one of the Judges of ſaid City Court, in a Recognizance (which Recognizance the Mayor of ſaid City and the Judges of ſaid City Court are reſpectively impowered to take) in double the Sum of ſaid Judgment, that he will, within one Week after final Judgment on the Appeal, refund ſo much of the Judgment of the ſaid City Court, together with the Intereſt thereof, as ſhall ſuch Execution be collected, and ſhall not be by him recovered before the Court to which the Appeal is taken, together with the Execution Fees that ſhall accrue, and be paid by the Defendant on ſaid Execution; and no Appeal ſhall be allowed on any Suit commenced on ſuch Recognizance.

Power to adjourn.

Juriſdiction.

To have the ſame powers, &c. as county courts, & executions ſerved, &c. as thoſe from the county court.

Appeals to be allowed.

The prevailing party if, &c. may take out execution, &c. Provided bond be given.

No appeal to be allowed on a ſuit on ſuch bond.

If the plaintiff lives without the city, no appeal allowed the defendant within, unleſs, &c.

And in every Action brought before ſaid City Court, in which the Plaintiff lives without the Limits of ſaid City, or is a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of ſaid City, no Appeal ſhall be allowed the Defendant unleſs the Matter in Demand exceed the Sum of Fifty Pounds lawful Money; but if the Matter in Demand exceed ſaid Sum, an Appeal ſhall be allowed

the Defendant in the ſame Manner and under the ſame Regulations as Appeals are allowable in other Cauſes cognizable by ſaid Court. And no Writ of Error brought upon any Judgment of ſaid City Court, or of ſaid Mayor, or either of the ſaid Aldermen, ſhall be a *Superſedeas*, or have any Force to ſtay the levy of the Execution.

City courts to appoint and ſwear a clerk.

And ſaid City Court ſhall have full Power to appoint and ſwear a Clerk for ſaid Court, to continue in Office during the Pleaſure of ſaid Court; which Clerk ſhall, as to all Matters relative to his Office as Clerk of ſaid Court, have the ſame Powers and Authorities, to all Intents and Purpoſes, as the Clerks of the County Courts in this State by Law have; and the Oath to be taken by the ſaid Clerk, ſhall be the ſame, *mutatis mutandis*, provided by Law to be taken by the Clerks of the County Courts of this State.

His powers.

The mayor, or in his abſence the ſenior aſſiſtant judge may call a ſpecial court.

And the Mayor of ſaid City, or in his Abſence the ſenior aſſiſtant Judge of ſaid City Court, may at the ſpecial Inſtance and Coſt of any Perſon moving therefor, hold a ſpecial City Court, at ſuch Time and Place within ſaid City, as the Mayor or Judge ordering the ſame ſhall appoint; which Court ſhall proceed in the ſame Manner, have the ſame Powers and Authorities, and in all Reſpects be under the ſame Regulations as the ſtated City Courts of ſaid City; and all the taxable Fees of ſaid City Court, ſhall be the ſame with the taxable Fees of the County Courts of this State.

Fees.

Mayor & two aldermen firſt choſen to be the judges.

*And be it further Enacted*, That the Mayor of ſaid City for the Time being, and the two Aldermen firſt choſen at the *annual* Meeting of ſaid City, or at their firſt Meeting, ſhall compoſe the ſaid City Court, and be the Judges thereof; and the Mayor ſhall be the chief Judge of ſaid Court, and the ſaid two Aldermen ſhall be the aſſiſtant Judges of ſaid Court, any two of whom, in the Abſence of the other, taking to their Aſſiſtance the ſenior Alderman preſent that is not a Judge of ſaid Court, or if neither of the Aldermen that are not Judges of ſaid Court can attend, one of the Juſtices of the Peace within and for the County of *New-London*, reſident within ſaid City, ſhall have Power to hold a City Court.

Who to be judges in caſe of abſence, &c.

If but one judge preſent then to take, &c.

And if at any City Court there ſhall be but one Judge preſent, he ſhall take to his Aſſiſtance the other two Aldermen of ſaid City, and in caſe one or both of them cannot attend, he ſhall take one or two of the Juſtices of the Peace, as the caſe may require, of the County of *New-London*, reſident within ſaid City, and they three ſhall have the ſame Power to hold a City Court, as the Judges of ſaid City Court have.

Mayor and aldermen to have cognizance of civil cauſes in the city.

Same power as juſtices.

*And be it further Enacted*, That the Mayor and Aldermen of ſaid City, ſhall ſeverally, within the limits of ſaid City, have cognizance of all civil Cauſes of Law cognizable by a Juſtice of the Peace, provided the cauſe of Action ariſes within the limits of ſaid City, and one or both the Parties live within the ſame: And the ſaid Mayor and Aldermen ſhall, as to the cauſes by them ſeverally cognizable, have the ſame Powers and Authorities, and proceed in the ſame Manner as Juſtices of the Peace, now, or hereafter, by Law ſhall be and proceed.

Appeal allowed to the next city court.

And an Appeal ſhall be allowed from the Judgment or Determination of the Mayor and Aldermen, in any cauſe by them cognizable ſeverally, to the next City Court to be holden within ſaid City, in all Cauſes in which an Appeal is now or hereafter ſhall be allowed from the Judgment of a Juſtice of the Peace; the prevailing Party however, if Plaintiff, may, ſuch Appeal notwithſtanding, take out Execution on ſuch Judgment, provided he gives bond before the Mayor of ſaid City, or one of the Judges of ſaid Court, in the ſame Manner as is provided in caſes of Appeal from ſaid City Court.

Where the plaintiff lives without, or is a mariner, &c no appeal.

And in every Action brought before the Mayor or either of the Aldermen of ſaid City, in which the Plaintiff lives without the limits of ſaid City, or in which the Plaintiff is a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of ſaid City, no Appeal ſhall be allowed the Defendant.

And

Taxable fees, &c.

Proceſſes the ſame as to the county court.

By whom ſigned,

and ſerved.

Bonds for proſecution, &c.

except, &c.

And the taxable Fees in all Cauſes cognizable by the Mayor, or one of the Aldermen of ſaid City ſeverally, ſhall be the ſame as the taxable Fees in like Caſes, before Juſtices of the Peace: And the Proceſſes in all Actions brought to ſaid City Court, ſhall be the ſame as the Proceſſes to the County Courts in this State; and the Proceſſes in all Actions brought before the Mayor or one of the Aldermen of ſaid City, ſhall be the ſame as the Proceſſes in Actions brought before a Juſtice of the Peace, and be ſigned by the Governor, Lieutenant-Governor or one of the Aſſiſtants of this State, or by a Juſtice of the Peace, within and for the County of *New-London*, or by the Mayor or one of the Aldermen of ſaid City, or the Clerk of ſaid City Court, and ſhall be ſerved by a Sheriff, Deputy-Sheriff, or Conſtable, to whom directed, according to the Laws of this State, and the Proviſions of this Act. And all Bonds for Proſecution taken by any of ſaid Officers hereby impowered to ſign Writs, ſhall be good and effectual in Law. And Bonds for Proſecution, ſpecial Bail, and Bonds for Appeal, ſhall be taken to the adverſe Party: Provided nevertheleſs, That no writs, (Executions excepted) or Proceſs, ſigned by the Mayor, or either of the Aldermen, ſhall be of any Effect without the Limits of ſaid City.

Jurymen how and when choſen.

Names of the jurors to be returned to, &c.

Clerk to write the jurors names on, &c.

Jurors how drawn.

Jurors neglecting to attend.

If not a compleat pannel, others drawn, &c.

Jurors not attending, &c.

Jurors oath to be, &c.

The name of each juror attending, &c.

Liable to be drawn again.

*And be it further enacted by the Authority aforeſaid*, That the ſaid Mayor, Aldermen and Common Council, ſhall on the firſt Monday of *July* annually meet, and ſhall then chuſe Forty or more Freemen of ſaid City, to ſerve as Jurors at ſaid City Court, and ſhall return the Names of ſaid Jurors, under the Hand of the Mayor of ſaid City, if preſent, or in caſe of his Abſence, under the Hand of the ſenior Alderman preſent at ſuch Meeting, to the Clerk of ſaid City Court, who ſhall write each Juror's Name thus choſen, fairly on a ſeparate Piece of Paper, and roll up and put the ſame into a Box, which he ſhall provide and keep for that Purpoſe; and whenever either of the Sheriffs of ſaid City ſhall receive a Warrant from the Clerk of the City Court, to ſummon a Jury to appear before ſaid Court, the Sheriff receiving ſuch Warrant, taking with him one of the Aldermen of ſaid City, ſhall repair to the ſaid Clerk's Office, and there, in the Preſence of ſaid Alderman and Clerk, ſhall take out of ſaid Box ſo many of ſaid Papers as his Warrant ſhall direct, and the Perſons whoſe Names ſhall be found written therein, ſhall be ſummoned to appear before the Court, to which the Warrant is returnable, and ſerve as Jurors; and in caſe of neglecting to attend, ſhall be liable to ſuch Penalties as ſhall by the Bye-Laws of ſaid City be inflicted for ſuch Neglect; and in caſe a compleat Pannel ſhall not attend, or in caſe any ſhall be challenged or excuſed, the Sheriff attending ſaid Court ſhall ſupply ſuch Deficiency, by drawing in the Preſence of the Court, others out of ſaid Box, and ſummoning them to attend and ſerve, until the Pannel ſhall be complete; and the Names of ſuch Jurors as do not attend, or are excuſed, ſhall be returned into the Box, and be liable to be drawn again. And the Oath to be taken by ſaid Jurors, ſhall be the ſame as is by Law provided to be taken by Jurors in civil Actions. And the Name of each Juror that attends any City Court and ſerves, ſhall be again written on a ſeparate Piece of Paper, and ſhall be rolled up and put into another Box, which the Clerk of ſaid Court ſhall provide for that Purpoſe, and ſhall be liable to be drawn again, in Caſe there ſhall not, by Reaſon of Death, Removal, or other Cauſe, be a Sufficiency in the other Box, to complete the Pannel that Year, in which they are choſen to ſerve.

The city to chuſe a clerk.

And the ſaid City may chooſe a Clerk of ſaid City, who ſhall make true and regular Entries of all the Votes and Proceedings of ſaid City, and the Records by him kept ſhall be of the ſame Validity in Point of Evidence in any Court of Law in this State, as the Records of Towns are.

*And be it enacted by the Authority aforeſaid*, That the ſaid Mayor, Aldermen, and Common Council be, and they are hereby impowered to lay new Highways, Streets and public Walks for the Uſe of ſaid City, or to

ter thoſe already laid out in ſaid City, and to exchange Highways for Highways, or to ſell Highways for the Purpoſe of purchaſing other Highways, taking the ſame Meaſures in all Reſpects, as are directed by the Laws of this State to be taken, in caſe of Highways laid out by the Selectmen for the uſe of their Towns, and the Party aggrieved by the laying out of ſuch Streets or Highways, may have the ſame Remedy by Application to the County Court, as is by Law provided in caſes of Highways laid out by Select-men.

The mayor, &c. to lay out highways &c. or alter thoſe already laid out, &c.

*And be it enacted by the Authority aforeſaid*, That in caſe any Sheriff, Deputy-Sheriff or Conſtable, ſhall not ſerve a Writ directed to, and received by him, that is returnable to ſaid City Court, or ſhall neglect to make Return of ſaid Writ, or ſhall make falſe or undue Return thereof, and a Suit ſhall for ſuch Default, be brought againſt him to the ſaid City Court by the Perſon or his Executor or Adminiſtrator, in whoſe Favour ſaid Writ iſſued, and the Defendant be found in Default; the ſaid Court, over and above awarding juſt Damages to the Plaintiff, may, on ſaid Suit, ſet a ſuitable Fine upon the Defendant, according to the Nature of the Caſe, and may iſſue Execution for ſuch Fine; which Fine ſhall be to the Treaſurer of ſaid City, to and for the Uſe of ſaid City.

City court may fine ſheriffs, &c.

Fines to be paid to the city treaſurer.

And in all Caſes wherein the Defendant who is ſued to the ſaid City Court, lives within the Limits of ſaid City, the Writ ſhall be ſerved upon him at leaſt ſix Days before the Day of the ſitting of the Court to which the Writ is returnable; but if the Defendant lives without the Limits of ſaid City, the Writ ſhall be ſerved at leaſt twelve Days before the ſitting of ſaid Court; and all Writs returnable to ſaid City Court, ſhall be returned to the Clerk of ſaid Court on or before the Day of the ſitting of ſaid Court, and before the firſt opening of ſaid Court.

If the defendent lives in the city, the writ to be ſerv'd 6 days before court, &c. if without, 12 days.

And the Writs that are returnable before the Mayor or either of the Aldermen, ſhall, if the Plaintiff and Defendant both live within the Limits of, or, if the Plaintiff lives without and the Defendant lives within the Limits of ſaid City, or if the Plaintiff be a Mariner or Seaman ſuing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of ſaid City, be ſerved upon the Defendant at leaſt three Days before the ſitting of the Court to which it is returnable; but if the Defendant lives without the limits of ſaid City, the Writ ſhall be ſerved upon the Defendant at leaſt ſix Days before the ſitting of the Court to which it is returnable.

Writs returnable before the mayor, &c.

*And be it further Enacted*, That the Mayor, Aldermen, Sheriffs, Common Council and Clerk of ſaid City, ſhall be ſworn to a faithful Diſcharge of their Duty; and the Form of the Oath to be taken by the Mayor of ſaid City, ſhall be as follows, viz.

Mayor, &c. to be ſworn.

YOU *being elected Mayor of the City of* New-London, *do ſwear by the Name of the Everliving God, that you will, without any Partiality, indifferently adminiſter Juſtice, according to Law, without reſpect of Perſons, take no Bribe, give no Council in any Matter that ſhall come before you, nor deny Right to any, but well and truly perform your Office of Mayor of ſaid City, according to your beſt ſkill.* So help you GOD.

Form of the oath.

And the Form of the Oath to be taken by the Aldermen of ſaid City, ſhall be the ſame *mutatis mutandis* as is preſcribed by Law to be taken by Juſtices of the Peace.

Aldermen to be ſworn.

And the Form of the Oath to be taken by the Common Councilmen of ſaid City, ſhall be as follows, viz.

YOU *being elected a Common Council-man for the City of* New-London, *for the Year enſuing, Do ſwear by the Name of the Everliving God, that you will faithfully and uprightly diſcharge the Duties of that Office, ſo long as you ſhall hold the ſame.* So help you GOD.

Form of an oath.

And the Form of the Oath to be taken by the Sheriffs of ſaid City, ſhall be the ſame preſcribed by Law to be taken by the Sheriffs *mutatis mutandis*.

Sheriffs to take an oath.

And the Form of the Oath to be taken by the Clerk of ſaid City, ſhall be as follows, viz.

Clerk's oath.

*YOU being choſen Clerk of the City of* New-London, *Do ſwear by the Name of the Everliving GOD, that you will truly and faithfully attend and execute the Place and Office of Clerk of ſaid City, according to your beſt Skill, and make true Entries and Records of all the Votes and Proceedings of ſaid City, and ſuch other Matters as by Law, or the Bye-Laws of ſaid City, are to be recorded in your Office; and that you will deliver true Copies of the Records in your Hands, when they ſhall be required of you, taking only your lawful Fees.*

So help you GOD.

By whom adminiſtred.

Which Oaths may be adminiſtred by any Aſſiſtant of this State, or Juſtice of the Peace within and for the County of *New-London*, or by the Mayor or either of the Aldermen of ſaid City; provided the Mayor or Alderman adminiſtring ſuch Oath hath been ſworn according to this Act.

Certificate to be given, and recorded.

And the Perſon adminiſtring the Oath preſcribed by this Act, ſhall give a Certificate thereof under his Hand, to the Officer to whom he adminiſtered ſuch Oath, which Certificate ſhall be recorded in the Records of ſaid City before the Perſon to whom it is given ſhall be capable of executing the Office to which he is choſen.

Power to make bye-laws.

*And be it further Enacted*, That there ſhall be a Court of Common Council of ſaid City, of which the Mayor, Aldermen, and Common Council of ſaid City ſhall be Members, who, or the major Part of them, ſhall have Power to make Bye-Laws, relative to Markets and Commerce within the limits of ſaid City; relative to Perſons ſummoned to ſerve as Jurors at ſaid City Court, and neglecting to attend or refuſing to ſerve; relative to the Streets and Highways of ſaid City; relative to Nuſances in ſaid City Limits; relative to their Wharves, anchoring and mooring of Veſſels; relative to Trees planted for Shade, Ornament, Convenience, or Uſe, public or private, and to the Fruit of ſuch Trees; relative to Treſpaſſes committed in Gardens; relative to Walks, and Buildings public or private; to the ſweeping of Chimnies, and preſerving ſaid City from Fire; relative to Forms of Oaths to be taken by the Treaſurer of ſaid City, and Inſpectors of Produce brought to ſaid City for Sale or Exportation; relative to the Manner of warning Meetings of ſaid City and the Court of Common Council, and the Time when and Place where they ſhall be holden; relative to the Qualifications in Point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of ſaid City for a faithful Diſcharge of their Duty; relative to the Penalties to be incurred by thoſe, who, being choſen to any City Office, (and not being excuſed by the City) ſhall refuſe to ſerve; relative to a City Watch; relative to the burial of the Dead; relative to the public Lights and Lamps of ſaid City; relative to reſtraining Geeſe and Swine from going at large within the Limits of ſaid City; and relative to the Mode of Taxation as to Taxes levied by ſaid City; and to inflict Penalties for the Breach of ſuch Bye-Laws.

To inflict pecuniary penalties, not exceeding 10l. Penalties to be to, &c. Recovered by, &c. No appeal. Proviſo.

Provided however, that ſuch Penalties ſhall in no Caſe exceed the Sum of Ten Pounds lawful Money; and ſaid Penalties ſhall be to ſuch Perſons as the Bye-Laws of ſaid City ſhall direct, and be recoverable by the Perſons to whom forfeited, by Actions of Debt brought to the City Court of ſaid City, in which Action no Appeal or Review ſhall be allowed: Provided however, that no Bye-Laws of ſaid City ſhall be made repugnant to the Laws of this State.

Bye-laws to be publiſhed.

And provided alſo, That all the Bye-Laws made by ſaid Court of Common Council, ſhall be approved of by ſaid City in legal Meeting aſſembled, and after being ſo approved, ſhall be publiſhed at leaſt three Weeks ſucceſſively in ſome public News-paper, in or near ſaid City, before the ſame ſhall be of any Validity.

And all the Bye-Laws of ſaid City, ſhall at any Time within ſix Months after

after they are made, be liable to be repealed by any Superior Court holden in ſaid County of *New-London*, if by ſuch Superior Court, on a Hearing, adjudged to be unreaſonable or unjuſt.

Liable to be repealed, by, &c. If, &c.

And all Grants and Leaſes of any real Eſtate belonging to ſaid City, ſigned by the Mayor of ſaid City, and ſealed with the City Seal, and approved by ſaid City in legal Meeting aſſembled, ſhall be good and effectual in Law, to convey the Eſtate intended to be conveyed by ſuch Grant or Leaſe; provided the ſame is recorded in the Records of the Town where the Land leaſed or granted lies.

Grants & leaſes ſigned by the mayor, &c

And ſaid City ſhall have Power to appoint Inſpectors of every Kind of Produce of the United States, brought to ſaid City for Sale or Exportation.

Inſpectors of produce.

And the vote or choice of the major Part of the Freemen preſent at any legal Meeting of ſaid City, ſhall be conſidered in all Caſes, as the vote or choice of ſaid City.

Vote of the major part of the freemen valid.

And whenever the Mayor of ſaid City, or any other Officers of ſaid City, eligible by the Freemen thereof ſhall reſign, or be removed by Death, or otherwiſe, another Perſon ſhall be choſen in his Place by ſaid City; and (if an annual Officer) ſhall continue in Office till the Expiration of the Month of *June* next following, unleſs another ſhall be ſooner choſen and ſworn in his Stead.

In caſe of death, &c. of any officer, &c.

And the Mayor of ſaid City, or in his Abſence, the ſenior Alderman preſent at any Meeting of ſaid City, or at any Court of Common-Council, ſhall, *ex Officio*, be Moderator thereof. And the Meetings of ſaid City may, from Time to Time, by a major Vote of the Freemen preſent, be adjourned.

Mayor, or &c to be moderator of the city meeting, which may be adjourned.

*And be it further enacted by the Authority aforeſaid*, That the firſt Meeting of ſaid City ſhall be holden at the Town School-Houſe in ſaid *New-London*, the ſecond Monday of *March* next, at nine o'Clock in the Forenoon, for the choice of the Mayor, Aldermen, Common Council and Sheriffs of ſaid City, and to tranſact ſuch other Buſineſs as may be neceſſary; which Meeting may be from Time to Time adjourned. And a Copy of this Paragraph of this Act, certified under the Hand of the Secretary of this State, and publiſhed on the Sign Poſt in ſaid Town of *New-London*, at leaſt three Days before ſaid ſecond Monday of *March* next, ſhall be a legal Warning of the Freemen of ſaid City to attend ſaid firſt Meeting: And the annual Officers choſen at ſaid Meeting, ſhall continue in Office until the Expiration of next *June*, unleſs others are ſooner choſen and qualified in their Stead.

First meeting

Annual officers to continue, &c. until &c.

And the ſaid City ſhall, at ſuch Meeting, firſt chuſe a Clerk of ſaid City, who ſhall be immediately ſworn, and ſhall forthwith make a Record of his being choſen and ſworn, and the Records thus made by him in ſuch Caſe, ſhall be good and effectual; any Thing in this Act to the contrary notwithſtanding. And ſuch Record may be made by the Clerks hereafter choſen, of their being choſen and ſworn, and ſhall be good and effectual; any Thing in this Act to the contrary notwithſtanding. And ſaid City ſhall thereupon proceed to chuſe a Mayor, and the other Officers of ſaid City eligible by the Freemen thereof. And the Juſtices of the Peace within and for the County of *New-London*, living and inhabiting within the limits of ſaid City, and preſent at ſuch firſt Meeting, ſhall have, as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of ſaid City, the ſame Powers, and proceed in the ſame Manner as the Mayor, Aldermen and Sheriffs of ſaid City, by this Act are to have and proceed in at the future Elections of ſaid City.

First meeting to chuſe a clerk.

then the mayor, &c.

Power of juſtices living within the limits, &c.

And the ſenior Juſtice of the Peace, within and for the County of *New-London*, living within the Limits of ſaid City, preſent at ſaid firſt Meeting, ſhall be Moderator thereof, until there ſhall be a Mayor or Alderman choſen and qualified according to this Act.

First moderator.

And ſaid City ſhall at their firſt Meeting appoint a Time and Place for holding

First city court to be holden 1st Monday of April.

holding the first Court of Common Council; which Court shall have Power to adjourn from Time to Time. And the first City Court of said City shall be holden on the first Monday of *April* next, at the Town School-House in said City. And the said City Courts of said City may be holden in said School-House from Time to Time, or in such other Place in said City as said City shall provide and judge proper.

Mayor, &c. on the 2d Monday of March, to chuse 36 jurors.

And the Mayor, Aldermen, and Common Council of said City, shall on the second Monday of *March* next, at three of the Clock in the Afternoon, hold a Meeting at the Town School-House, in said *New-London*; and shall then and there, choose thirty-six Freemen of said City, to serve as Jurors, until after the first Monday of *July* next; and the Name of each Person thus chosen, shall be fairly written on a separate Piece of Paper, and shall be put into the Jury-Box, by this Act to be provided by the Clerk of said City Court, and shall be drawn out, in the Manner herein before provided, with respect to Jurors.

Proviso.

*Always provided*, That any Thing in this Act, notwithstanding, the Inhabitants living within the Limits of said City, shall to all Intents and Purposes, be, and remain a Part of the Town of *New-London*.

Proviso.

*Provided nevertheless*, That if this Act, or any of the Provisions therein contained, shall be found inconvenient, or in any Respect inadequate, the same, on Representation of the City or otherwise, may be altered or revoked by the General Assembly.

Proviso.

*Provided nevertheless*, That the Judges of said City Court may, and they are hereby authorized to hear, try, and finally determine all Causes brought before the City Court, by a Jury of six Freemen, or without a Jury, where neither of the Parties desire to have the Cause decided by a Jury or by more than six Jurors.

Public act.

And this Act shall, to all Intents and Purposes, be a public Act.

[*This Act was passed by the General Assembly at their Sessions holden at* New-Haven, *on the eighth Day of* January, One thousand seven hundred and eighty-four.]

## An Act to prevent unseasonable Night-walking; and for punishing Disorders committed in the Night-season

Penalty of 6s. on night-walkers.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same*, That if any Persons that are under the Government of Parents, Guardians or Masters; or any Boarders or Sojourners shall convene or meet together, or be entertained in any House without the consent or approbation of their Parents, Guardians, Masters or Governors, after nine of the Clock at Night, any longer than to discharge their Business they are sent about; or shall meet together and associate themselves in Company or Companies in Streets or elsewhere, after the Time aforesaid, or shall make any Rout, or commit any Disorder at any Time in the Night-season, each Person so Offending shall forfeit *Six Shillings* for such Offence.

Heads of families liable to the same penalties for entertaining, &c.

And the Head of the Family that entertains or tolerates such disorderly Meeting in his or her House, shall forfeit the like Sum; one Half of which Forfeitures shall be to the Complainer, the other Half to the Treasury of the Town where the Offence is committed.

*And whereas great Disorders and Insolences are often committed in the Night by disorderly Persons, to the disquiet and hurt of the good People of this State:*

For the preventing and punishing whereof;

Disorders committed in night-season.

*Be it further enacted by the Authority aforesaid*, That when and so often any Disorders and Damages are done in the Night-season, that upon Complaint speedily made thereof to any Court, Assistant, or Justice of the Peace they

they are hereby impowered to iſſue forth a Writ or Writs for the bringing before him or them any ſuſpected Perſon or Perſons, and examine him or them concerning ſuch Diſorders and Damages.

And if ſuch ſuſpected Perſon or Perſons, upon ſuch Examination, cannot give a ſatisfactory Account to the Authority before whom ſuch Examination is had, where he or they were when ſuch Diſorders and Damages complained of were committed or done, and that he or they had no Hand in doing the ſame, he or they ſhall be liable to pay and anſwer all ſuch Damages as the Perſon or Perſons complaining ſhall have ſuſtained or ſuffered as aforeſaid, and alſo ſuch Fine or Puniſhment as the Court, Aſſiſtant or Juſtice, before whom the Trial is had ſhall ſee Cauſe to order; not exceeding the Sum of *Five Pounds*.

Suſpected perſons liable unleſs, &c.

## An Act for preventing, puniſhing and removing Nuſances in High-ways, Rivers and Water-courſes.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon or Perſons whatſoever, ſhall block up, or lay or cauſe to be laid in any High-way, any Stones, Tree or Trees, or Timber, or ſhall by Digging or any Means obſtruct, hinder or indanger the Paſſage of Travellers in ſuch Ways; being thereof duly convicted, ſhall pay the Charge of repairing, clearing or filling up the ſame, and alſo incur the Penalty of *Twenty Shillings*; one Half to the Treaſury of that Town, and the other Half to the Informer who ſhall proſecute the ſame to Effect, together with the Charges of Proſecution.

Perſons guilty of a nuſance, to pay, &c.
And alſo ſubject to 20s. penalty, to be recovered, &c

*And be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall erect or ſet up any Gates, Bars, Rails or Fence upon, or acroſs any High-way, Country Road, or Street, or continue any ſuch, to the Annoyance and Incumbrance of the ſame, it ſhall be deemed a Common-Nuſance; and it ſhall and may be lawful for any Perſon or Perſons to pull down and remove the ſame as ſuch.

Nuſances in highways may be removed, &c.

*Provided*, This Act ſhall not be conſtrued to the Prejudice of ſuch as have obtained Liberty or ſhall obtain Liberty from the County Court to ſet up Gates or Bars in High-ways.

Proviſo.

*And whereas the daming of Rivers and Brooks, and turning of Water-Courſes out of their natural and original Courſes, is often prejudicial to many Towns, Proprietors and particular Perſons:*

For preventing of which;

*Be it further enacted by the Authority aforeſaid*, That no Perſon within this State, ſhall ſtop, dam or obſtruct any River, Brook, Stream or Run of Water out of its natural Courſe, without Liberty of the Town in whoſe Bounds the ſaid Streams or any of them are. And if any Perſon or Perſons ſhall dam, ſtop or obſtruct any River, Brook, Stream or Run of Water, or ſhall by damming, digging or the like, turn them out of their natural Courſe, to the Prejudice of any Town, Proprietors or any particular Perſon or Perſons, the ſame ſhall be deemed a common Nuſance, and may be removed as ſuch: and the Perſon or Perſons doing or procuring ſuch Nuſance to be done, to remove the ſame, upon Penalty of forfeiting the Sum of *Five Shillings* a Week for every Week ſuch Nuſance ſhall remain after due Warning given to ſuch Perſon to remove the ſame; one Half whereof ſhall be to the Complainer and Proſecutor, and the other Half to the Treaſurer of the Town where the Offence ſhall be committed.

Nuſances in rivers, &c.

*Provided nevertheleſs*, That this Act, nor any Thing herein contained, ſhall be underſtood or intended to hinder any Dam for any Mill, or for other Uſe in caſe no ſpecial Damage accrues thereby to any Perſon.

Proviſo.

Proviſo. *Provided alſo*, That if any Perſon or Perſons ſhall remove, or break, or injure any Mill Dam, as a public Nuſance, and it ſhould ultimately upon Trial at Law turn out not to be ſuch, the Perſon or Perſons ſo offending ſhall, upon Conviction, pay to the Party aggrieved, double Damages and double Coſts.

Plead the general iſſue, &c. *And it is further Enacted*, That if any Perſon or Perſons who ſhall pull down, remove or demoliſh any of the Nuſances aforeſaid, ſhall be ſued therefor, he or they may plead the general Iſſue, and give this Act in Evidence.

## An Act for preſcribing and eſtabliſhing Forms of Oaths in this State.

Forms of oaths. *BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the ſeveral Forms of Oaths here following, be, and they are hereby eſtabliſhed, to be taken by and adminiſtred unto the ſeveral and reſpective Officers and Perſons for whom they are appointed, as followeth.

*Oath of Fidelity.*

Oath of fidelity. YOU *A. B.* do ſwear by the Name of the Everliving GOD, that you will be true and faithful to the State of *Connecticut*, as a free and independent State, and in all Things do your Duty as a good and faithful Subject of the ſaid State, in ſupporting the Rights, Liberties and Privileges of the ſame. *So help you GOD.*

*For the Freemen*, viz.

Freemen. YOU *A. B.* being by the Providence of God, an Inhabitant of this State of *Connecticut*, and now to be made Free of the ſame, do ſwear by the Name of the Everliving GOD, that you will be true and faithful to ſaid State, and the Conſtitution and Government thereof, as a free and independent State, and whenſoever you ſhall be called to give your Vote or Suffrage touching any Matter which concerns this State, you ſhall give it as in your Conſcience you ſhall judge will conduce to the beſt Good of the ſame, without reſpect of Perſons or favour of any Man. *So help you GOD.*

*For the Governor*, viz.

Governor. YOU *J. T.* now choſen to be Governor over this State of *Connecticut* for this Year enſuing, and until a new be choſen and ſworn, Do ſwear by the Everliving God, to promote the public Good and Peace of the ſame according to the beſt of your Skill; and that you will maintain the laws, Rights and Privileges thereof as a ſovereign, free, and independent State, as alſo, that all wholeſome Laws and Orders that are or ſhall be made by lawful Authority here eſtabliſhed, be duly executed; and will further the Execution of Juſtice, for the Time aforeſaid, according to the Rules of God's Word, and the Laws of this State. *So help you GOD.*

*For the Lieutenant-Governor*, viz.

Lt. Governor YOU *M. G.* now choſen to be Lieutenant-Governor over this State of *Connecticut*, for this Year enſuing, and until a new be choſen and ſworn, Do ſwear, &c.----as in the Oath for the Governor, *mutatis mutandis.*

*For the Aſſiſtants*, viz.

Aſſiſtants. YOU *J. H.* being choſen an Aſſiſtant over this State for the Year enſuing, Do ſwear by the Everliving God, to promote the public Good and Peace of the ſame, according to the beſt of your Skill; and that you will maintain the lawful Privileges thereof, according to your Underſtanding; and alſo aſſiſt in the Execution of all ſuch wholeſome Laws and Orders as are or ſhall be made by lawful Authority here eſtabliſhed; and will further the Execution of Juſtice for the Time aforeſaid, according to the righteous Rules of God's Word and the Laws of this State.

*So help you GOD.*

*For the Judges of the Superior, and County Courts*, mutatis mutandis, *viz.*

YOU being appointed Judges of the Superior Court over this State, for the Year enſuing, Do ſwear by the name of the Everliving GOD, that as Judges of the ſaid Court, you will faithfully and impartially adminiſter Juſtice according to Law, take no Bribe, give no Counſel in any Matter that ſhall come before you, nor deny Right to any; but well and truly perform your Office of Judges, as aforeſaid, according to your beſt Skill and Judgment. *So help you God.* Judges of ſuperior and county courts

*For Juſtices of the Peace*, viz.

YOU ſwear by the Name of the Everliving GOD, that as Juſtice of the Peace in the County of *H.* according to the Commiſſion given you, you will adminiſter Juſtice equally and impartially in all Caſes, and do equal Right to the Poor and to the Rich, after your beſt Skill and Power and according to Law: And you ſhall not be of Counſel in any Quarrel that ſhall come before you, nor let for Gift or other Cauſe; but well and truly do your Office of Juſtice of the Peace, taking only your lawful Fees. And you ſhall not direct or cauſe to be directed, any Warrant by you made, to the Parties, but you ſhall direct your Warrant to the Sheriff, his Deputy or Conſtable, or other Officer proper for the Execution of the ſame, in the County, or to ſome indifferent Perſon; and this you ſhall do without favour or reſpect of Perſons. *So help you GOD.* Juſtices.

*For the State Treaſurer*, viz.

YOU *J. L.* being choſen Treaſurer for this State of *Connecticut*, for the Year enſuing and until a new be choſen, Do ſwear, that you will, according to the beſt of your Skill, attend the Place and Office of a Treaſurer for this State, in ſending out your Warrants for collecting all ſuch Sums of Money as are due to this State, by Fines, Rates or otherwiſe; and that you will pay out of the ſame in ſuch Sums and in ſuch Manner as you ſhall be appointed to by the Court, as you ſhall have it in the common Treaſury: And that you will, according to Law, ſee the Conſtables make up their Accompts with you, or fine them according to Law for their Neglect: And that you will render a true Account of all Things concerning your Office when you are called thereunto by the General Court.

*So help you GOD.* Treaſurer of the ſtate.

*For the Secretary*, viz.

YOU *G. W.* being choſen Secretary of this State of *Connecticut*, for the Year enſuing, and until a new be choſen, do ſwear, that you will keep the Secrets of the Court, and carefully execute the Place and Office of a Secretary according to the beſt of your Skill; and truly and faithfully record all Acts and Orders of the Court, and deliver true Copies and Certificates when they ſhall be neceſſarily required of you. *So help you GOD.* Secretary.

*For the Sheriffs*, viz.

YOU *E. W.* being appointed Sheriff for the County of *H.* do ſwear that you will with all Faithfulneſs and Diligence ſerve all ſuch Writs and Attachments as ſhall be directed to you (and come to your Hand) by lawful Authority, and return them to the Court where they are returnable; and that you will ſerve all ſuch Executions, granted by the Secretary, Treaſurer, or other Clerk authorized thereunto, delivered into your Hands, and Collect or levy the Goods you are directed to, according to the ſaid Executions whether it be for the public Treaſury or particular Perſons; and that you will with convenient Speed, deliver ſuch Goods as you ſhall levy as aforeſaid, into the Hands of the Treaſurer or other particular Perſon or Perſons to whom they do belong; and that you will do and execute all ſuch lawful Commands, Directions, and Warrants as you ſhall receive from the Governor, or any Magiſtrate, Magiſtrates, or Juſtice of the Peace, Court or Courts, according to your Office; and thus during the whole Time you ſhall continue in your Office, you will demean yourſelf without Reſpect of Perſons, Sheriffs.

Perſons, or Favor of any Man: But in Caſe you meet with any Difficulty which you cannot reſolve, you may ſuſpend until you can have Advice therein from Authority. *So help you GOD.*

*For the Deputies or Repreſentatives*, viz.

Repreſentatives.

YOU do ſwear by the Everliving God, that in all Caſes wherein you are to deliver your Vote or Sentence againſt any Criminal Offence, or between Parties in any Civil Caſe, you will deal uprightly and juſtly, according to your beſt Judgment without reſpect of Perſons; and that you will according to your Skill and Ability aſſiſt in all other public Affairs of this Court faithfully and truly, according to the Duty of your Place, when you ſhall be preſent to attend the ſame. *So help you GOD.*

*For the Grand-Jurors*, viz.

Grand-jurors

YOU do ſwear by the Name of the Everliving God, that you will diligently enquire after, and true Preſentment make of all Breaches of Law that ſhall come to your Knowledge, according to your Charge (unleſs ſome religious Tye of Conſcience ſurely bottomed upon the Word of God, bind you to Secrecy), the ſecrets of the Cauſe, your own and your Fellows you will duly obſerve and keep: You will preſent no Man for Envy, Hatred or Malice; neither will you leave any Man unpreſented for Love, Fear or Affection, or in hope of Reward; but you will preſent Things truly as they come to your Knowledge, according to the beſt of your Underſtanding, and according to the Laws of this State. *So help you GOD.*

*For the Petit-Jurors*, viz.

Petit-jurors.

YOU ſwear by the Everliving God, that without reſpect of Perſons, or favour of any Man, you will well and truly try, and true Deliverence make, between the State of *Connecticut*, and the Priſoner at the Bar, whom you ſhall have in Charge, according to your Evidence, and the Laws of this State. *So help you GOD.*

*For the Jurors in Civil Caſes*, viz.

Jurors in civil caſes.

YOU ſwear that you will duly try the Iſſue or Iſſues now to be given you in Charge, between the Plaintiff and Defendant, or Plaintiffs and Defendants, according to the Evidence given you in Court, and the Laws of this State; and accordingly a true Verdict give: Your own Counſel and your Fellows you ſhall duly obſerve and keep: You ſhall ſpeak nothing to any One of the Buſineſs and Matters you have in Hand, but among yourſelves, nor ſhall you ſuffer any to ſpeak unto you about the ſame, but in Court: And when you are agreed of any Verdict, you ſhall keep it ſecret till you deliver it up in Court. *So help you GOD.*

*For the Jury of Inqueſt*, viz.

Jury of inqueſt.

YOU ſwear that you will diligently enquire, and true Preſentment make how and in what Manner *A. B.* (here lying dead) came to his Death, and you ſhall deliver up to the next Aſſiſtant or Juſtice of the Peace a true Verdict thereof, according to ſuch Evidence as ſhall be given you, and according to your Knowledge. *So help you GOD.*

*For Witneſſes*, viz.

Witneſſes.

YOU ſwear that the Evidence you ſhall give to this Court, concerning the Caſe now in Queſtion, ſhall be the Truth, the whole Truth, and nothing but the Truth. *So help you GOD.*

*For Conſtables*, viz.

Conſtables.

YOU *A. B.* ſwear by the Everliving God, that for the Year enſuing, and until new be choſen and ſworn, you will faithfully execute the Part and Office of Conſtable, for and within the Town of *H.* and the Limits thereof; and that you will endeavour to preſerve the public Peace of the ſaid Town and this State; and will do your beſt Endeavours to ſee all Watches and Wards executed and duly attended; and obey and execute all lawful Commands and Warrants that come from any Magiſtrate or Magiſtrates, Juſtices of the Peace, or Court; and execute all ſuch Orders of Court as ſhall be committed to your Care according to your beſt Skill. *So help you G*

*For Deputy-Sheriffs*, viz.

YOU *A. B.* being appointed a Deputy-Sheriff within the County of *H.* do ſwear, that you will truly and faithfully diſcharge the Duties of ſaid Office, during the Time you ſhall continue therein; and that you will not write or fill up any Writ or Writs againſt any Perſon or Perſons whatſoever, except you are a Party in the Action, nor cauſe the ſame to be wrote or filled up, or direct any Perſon therein. *So help you GOD.* Deputy-Sheriffs.

*For the Clerks of the Superior and County Courts*, mutatis mutandis, *viz.*

YOU *A. B.* being appointed to be Clerk of the Superior Court, do ſwear that you will carefully, faithfully, and diligently attend and execute the Place and Office of ſuch a Clerk: That you will truly enter and record all Actions, Verdicts, Sentences, Orders and Determinations of the ſaid Court, and deliver true Copies when they ſhall be required of you, taking no more than your lawful Fees therefor: And that you will perform and execute your Office, and Duty therein according to the beſt of your Skill, and the Laws of this State. *So help you GOD.* Clerks Superior & County Courts.

*For the Clerks of the Courts of Probate*, viz.

YOU *A. B.* being appointed to be Clerk of the Court of Probates in the Diſtrict of *H.* do ſwear that you will carefully, faithfully, and diligently attend and execute the Place and Office of ſuch a Clerk; and that you will truly record all Wills and Inventories as ſhall be exhibited into ſaid Court, and by ſaid Court be ordered to be recorded; as alſo all Orders, Sentences and Determinations of ſaid Court; and deliver true Copies when they ſhall be required of you, taking only your lawful Fees therefor; and that you will perform and execute your office, and Duty therein, according to the beſt of your Skill, and the Laws of this State. *So help you GOD.* Clerks Probate.

*For Town-Clerks*, viz.

YOU *A. B.* being choſen and appointed to be Town-Clerk or Regiſter of the Town of *H.* do ſwear that you will truly and faithfully attend and execute the Place and Office of a Town-Clerk for the ſaid Town of *H.* according to your beſt Skill; and make true Entries of all ſuch Grants, Deeds of Sale, or of Gift, Town Votes, Mortgages and Alienations or Diſpoſitions of Land as ſhall be compleated according to Law; and of all Births, Deaths and Marriages; and of all other Writings and Agreements as ſhall be brought to you to record; and you will deliver true Copies of the Records in your Hands when they ſhall be required of you, taking only your lawful Fees. *So help you GOD.* Clerks Town.

*For Packers*, viz.

YOU *A. B.* being choſen and appointed to be Packer of Beef, Pork, and other Goods, for the Town of *H.* do ſwear, that you will well and truly pack all Beef, Pork and other Goods and Commodities when you ſhall be thereto required; that you will pack no kind of Goods or Proviſions but ſuch as are good, ſound, ſortable and merchantable, nor in any Caſk that is not full Gage; and that you will ſet your own particular Mark upon all Caſk packed by you; and all things proper to your Place and Office of Packer you ſhall faithfully perform and diſcharge according to your beſt Skill, Judgment and Conſcience. *So help you GOD.* Packers.

*For Fence Viewers, Leather-Sealers, Gagers, Sealers of Weights and Meaſures, Liſters, Tything-men, Surveyors of High-ways, Surveyors and Packers of Tobacco, Haywards, Town-Treaſurers, Society-Treaſurers, Scavengers, Commiſſioners of Sewers, Clerks of the Owners of Sheep, &c.* mutatis mutandis.

YOU ſwear that you will diligently and faithfully perform, diſcharge, and execute the Office of within the Limits whereto you are appointed for the Year enſuing, and until another be choſen in your Place and ſworn; and that in all the Particulars mentioned in the Laws whereto your Office hath Relation, you will do therein impartially according to Law, without Fear or Favour. *So help you GOD.* Fence Viewers, &c.

*For Attornies*, viz.

Attornies.

YOU -------- ſwear you will do no Falſhood, nor conſent to any to be done in the Court; and if you know of any to be done, you ſhall give Knowledge thereof to the Judges, or Juſtices of the Court, or ſome of them, that it may be reformed: You ſhall not wittingly or willingly promote, ſue or procure to be ſued any falſe and unlawful Suit, nor give Aid or Conſent to the ſame: You ſhall delay no Man for Lucre or Malice; but you ſhall uſe yourſelf in the Office of an Attorney within the Court according to the beſt of your Learning and Diſcretion, and with all good Fidelity, as well to the Court as to the Client. *So help you GOD.*

*For the Auditors of the State's Accounts*, viz.

State Auditors.

YOU *A. B.* and *C. D.* being by this Aſſembly appointed to audit the public Accompts with the State Treaſurer, and likewiſe to receive of ſaid Treaſurer what Money hath been brought into the State Treaſury by Rates, Fines, Impoſts, or other Ways, and the ſame to diſpoſe of as this Aſſembly ſhall order, do ſwear by the Name of the Everliving God, that you will in the whole of ſaid Affair, diligently, and faithfully attend ſaid Service; and that you will duly and faithfully diſpoſe of what Money you ſhall receive, as aboveſaid, of the Treaſurer, according to the Order of this Aſſembly now given, or to be given you, rendering a true Account to this Aſſembly of your Doings, relating to the Premiſes. *So help you GOD.*

*For Society Clerks*, viz.

Society Clerks.

YOU *A. B.* being choſen and appointed Clerk of this Society, do ſwear that you will truly and faithfully attend and execute the Place and Office of a Society Clerk for the ſaid Society, according to your beſt Skill: And make true Entry of all ſuch Votes as ſhall be made by ſaid Society according to Law; and deliver true Copies when they ſhall be required of you taking only your juſt Fees. *So help you GOD.*

*For Appraiſers of Lands*, viz.

Appraiſers of Land.

YOU -------- being appointed to appraiſe ſuch Lands as are now to be preſented to you, Do ſwear, that all Partiality, Prejudice, and other ſiniſter Reſpects laid aſide, you will appraiſe the ſaid Lands according to the preſent true and juſt Value thereof to the Creditor, or Creditors who are to receive the ſame; and that you will do therein according to your best Judgment, and Conſcience. *So help you GOD.*

*For Appraiſers of deceaſed Perſons Eſtates*, viz.

Appraiſers of deceaſeds' Eſtates.

YOU *A. B.* -------- Do ſwear, that all Partiality, Prejudice, and ſiniſter Reſpects laid aſide, you will appraiſe all ſuch Eſtate, both real and perſonal, of the deceaſed *C. D.* as ſhall be offered unto you, according to the preſent true, and juſt Value thereof in Money, by your beſt Judgment and Conſcience. *So help you GOD.*

*For Diſtributors of Eſtates*, viz.

Diſtributors.

YOU ſwear that you will according to your beſt Judgment, and Diſcretion, faithfully and equally divide the Eſtate of *A. B.* according to the order of Court now given you. *So help you GOD.*

*For the Jury to lay out, or alter Highways*, viz.

Jury Highways.

YOU ſwear by the Name of the Everliving GOD, that you will lay out the Way mentioned in the Precept by which you are now ſummoned according to the beſt of your Skill and Judgment; with moſt Convenient to the Public, and leaſt Prejudice to any particular Perſon or Perſons; and that you will make a juſt Eſtimation of the Damages done to the Property of any particular Perſon or Perſons by your laying ſaid Way, according to your beſt Judgment. *So help you GOD.*

*For the Jury to enquire into forceable Entry or Detainer*, viz.

Jury forceable Entry.

YOU ſwear by the Name of the Everliving GOD, that you will well and truly enquire of the forceable Entry, or forceable Detainer now complained of, and return a true Verdict thereof, according to your own Viand the Evidence given you in Court. *So help you GOD.*

*For County Surveyors*, viz.

YOU *A. B.* being appointed Surveyor of Lands in the County of *H.* do ſwear that you will faithfully attend to, and diſcharge your Office of Surveyor of Lands unto which you are appointed, without Favour or Reſpect of Perſons; taking only your juſt Fees, as by Law allowed. *So help you GOD.* County Surveyors.

*For Chain-Men aſſiſting the County Surveyor*, viz.

YOU *A. B.* and *C. D.* being deſired to aſſiſt *T. C.* Surveyor, in carrying the Chain, do ſwear by the Everliving God, that you will faithfully aſſiſt the ſaid Surveyor in his Service: And that you will keep a true Account of all Lines or Meaſures by you taken, and the ſame give up to ſaid Surveyor at his Deſire, according to your beſt Skill and Ability. *So help you GOD.* Chain-men.

*For Commiſſioners on Inſolvent Eſtates*, viz.

YOU ſwear that you will faithfully and impartially examine the ſeveral Accounts, and Claims of the Creditors of the Eſtate of the deceaſed *A. B.* repreſented inſolvent, as ſhall be preſented to you for that Purpoſe, with the Evidences relative thereto, and make a true Liſt of what you find juſtly due to each of ſaid Creditors, and preſent the ſame to the Judge of the Court of Probate, according to Law. *So help you GOD.* Commiſſioners on inſolvent Eſtates.

*Form of a* Voire Dire *Oath*, viz.

YOU ſwear that you will well and truly anſwer to ſuch Interrogatories as ſhall be put to you by the Court, not immediately relating to the Merits of the Cauſe now in Queſtion. *So help you GOD.* Voire Dire.

*And be it further enacted by the Authority aforeſaid*, That no Perſon ſhall be compelled, or obliged to take any Oath, but ſuch as the General Court hath conſidered, allowed, and required; nor to uſe any other Ceremony in making their Oaths reſpectively, than the holding up the Hand, as hath been accuſtomed. And when any Oath ſhall be adminiſtred to any of the People called Quakers, it ſhall be by way of Affirmation, in Manner and Form preſcribed in the Law relative to Quakers. No other oath or ceremony required.

## An Act for regulating the Market and aſcertaining the Weight of Bunches of Onions.

*WHEREAS there are great Quantities of Onions raiſed in this State for Market, and it is become cuſtomary to make up the greateſt Part of them in Ropes or Bunches; and no Rule hath been fixed for the Number, Weight, or Meaſure contained in each Bunch; for want of which great Inequality and Injuſtice hath happened.* Preamble.

For Remedy whereof,

*BE it Enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Onions ſhall be offered to Sale, that are not good and merchantable, well cured and dry. Nor ſhall any Bunches of them be ſold, or offered to Sale, or put into Land or Water Carriage, to be tranſported to Market, that are not fully cured, well and firmly bunched, and of Four Pounds and a Half Weight at leaſt. And whoever ſhall ſell, or offer to Sale, or put into any Land or Water Carriage, in order to be tranſported to Market, any Bunch or Bunches of Onions, that ſhall not be fully cured, dry, well and firmly bunched, and of the Weight aforeſaid, ſhall forfeit each Bunch of Onions ſo offered or put for Sale, as aforeſaid, that ſhall fall ſhort of Weight as aforeſaid, or the Value thereof, to be recovered to him who ſhall complain thereof, and proſecute the ſame to Effect. Onions to weigh 4½lb. per Bunch. Forfeiture.

## An Act for puniſhing and preventing Oppreſſion.

Preamble.

*WHEREAS Oppreſſion is a miſchievous Evil, to which Men are prone in their Trade and Dealings.* Therefore,

Perſons guilty of oppreſſion to forfeit &c.

*BE it enacted by the Governor, Council, and Repreſentatives in General Court aſſembled, and by the Authority of the ſame,* That if any Perſon or Perſons, ſuch as Merchants, Shop-Keepers, Traders, Victuallers, or Handy-Crafts-Men; as Smiths, Shoe-Makers, Carpenters, Joiners, Taylors, Weavers; or other Trades-Men or Labourers whatſoever, ſhall oppreſs any Perſon or Perſons, by demanding or taking exceſſive Wages for Work; or unreaſonable Prices for ſuch Wares, Merchandizes, or Commodities as ſhall paſs from Man to Man, he or they ſo offending ſhall forfeit and pay to the party injured, a Penalty according to the Quality of the Offence, as the Court before whom the Conviction ſhall be made ſhall determine; not exceeding Three-fold the Damage ſuſtained by ſuch Oppreſſion.

*And for a Mode of Trial and Proceeding therein,*

Mode of trial.

*Be it further enacted by the Authority aforeſaid,* That when any Perſon or Perſons, ſhall make Complaint of Oppreſſion done by any other Perſon or Perſons, in any of the Matters aforeſaid; the Authority to whom ſuch Complaint ſhall be made, ſhall appoint and call before him or them Two or Three indifferent, judicious Freeholders, of the ſame Town the Perſon is of, who is complained of; who ſhall be ſworn to give their Judgment and Opinion concerning the Price of ſuch Goods, Wares or Commodities ſold, or Labour done; and return the ſame to ſaid Authority: Which Judgment and Opinion ſhall be the Ground of legal Conviction.

Penalty.

And where the Penalty doth not exceed the Sum triable by an Aſſiſtant or Juſtice of the Peace, ſuch Authority is hereby impowered to hear and determine the ſame: But if the Penalty be above that Sum, the Perſon offending ſhall be recognized to appear and anſwer ſuch Complaint at the next County Court, which Court ſhall hear and determine the ſame.

Coſts.

And the Offender on Conviction, ſhall pay the Coſts of Proſecution, beſides the Penalty to be awarded, as aforeſaid.

## An Act againſt breaking the Peace.

Diſturbers of the peace to be puniſhed.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall diſturb or break the Peace, by tumultuous, and offenſive Carriages, threatning, traducing, quarrelling, challenging, aſſaulting, beating, or ſtriking any other Perſon, ſuch Perſon or Perſons ſo offending, ſhall be liable to pay to the Party hurt or ſtricken, juſt Damages; and alſo ſhall pay ſuch Fine, on Conſideration of the Party ſmiting, or been ſmitten, and with what Inſtrument, Danger, more or leſs, Time, Place, and Provocation ſhall be judged juſt and reaſonable, according to the Merit of the Offence, as the Judges ſhall determine.

If the offence be aggravated, to be bound over.

And if ſuch Offence be aggravated by ſome notorious and high-handed Violences, the Offender or Offenders ſhall be bound over to the next County Court, to anſwer for ſuch Offence.

*And whereas Indian, Negro and Molatto Servants and Slaves are very apt to be Turbulent, and often to be quarrelling with white People, to the great Diſturbance of the Peace.*

Negroes, &c. to be whipped.

*Be it therefore further enacted by the Authority aforeſaid,* That if any Indian, Negro or Molatto Servant or Slave, ſhall diſturb the Peace, as aforeſaid, or ſhall offer to ſtrike any white Perſon, and be thereof convicted, ſuch Servant or Slave ſhall be puniſhed by Whipping, at the Diſcretion of the Court, Aſſiſtant

ſiſtant or Juſtice that ſhall have Cognizance thereof; not exceeding thirty Stripes for one Offence.

And that effectual Means may be uſed for the preſerving and promoting of the peaceable Behaviour and good Converſation of the People in this State, and for preventing and ſuppreſſing what is contrary thereto:

*Be it further enacted by the Authority aforeſaid*, That the Surety of the Peace or good Behaviour, as the Merit of the Caſe ſhall require, may, and ſhall be granted by any Aſſiſtant or Juſtice of the Peace in this State, againſt all and every ſuch Perſon and Perſons as by threatning Words, turbulent Behaviour, or actual Violence, or by any other unlawful Action ſhall terrify or diſquiet any of the good People of this State; and alſo againſt common Barrators, who frequently ſtir up and maintain Suits at Law in Courts, or Quarrels and Parties in the Country; as alſo againſt ſuch as invent and ſow falſe Reports, whereby Diſcord ariſeth, or may ariſe among Neighbours; alſo againſt ſuch as are of evil Name or Fame, generally, for maintaining or reſorting to Houſes ſuſpected to be Houſes of Bawdry and Incontinency; alſo againſt Night-walkers, that be of evil Name or Report generally; or ſuch as eve-drop Men's Houſes, or caſt Men's Carts into Ponds; or commit other ſuch like Miſdemeanors, Outrages or Diſorders in the Night Seaſon; alſo againſt idle Perſons, Drunkards, Libellers, and againſt ſuch like Offenders.

Againſt whom ſureties of the peace may be granted.

And if any ſuch Perſon or Perſons ſhall refuſe to give Security for the Peace, or good Behaviour, it ſhall be in the Power of any one Aſſiſtant or Juſtice of the Peace, to commit ſuch Perſon or Perſons to the common Goal, there to remain till delivered according to Order of Law.

On refuſal, to be committed.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon ſhall abuſe any Magiſtrate, or Juſtice of the Peace, or reſiſt or abuſe any Sheriff, Conſtable, or other Officer in the Execution of his Office, ſuch Perſon or Perſons ſhall find Sureties for the Peace and good Behaviour until the next County Court in that County; or on Refuſal may be committed to the common Goal, there to remain until the next County Court; which Court ſhall take Cognizance of the Wrongs and Abuſes done to ſuch Officer or Officers, by ſuch Offender or Offenders; and lay ſuch Penalty upon him or them (he or they being thereof legally convicted) as the Merit of the Offence ſhall deſerve, appearing by the Circumſtances of the ſame, not exceeding *Ten Pounds*.

Perſons for abuſing or reſiſting civil officers.

*And for the detecting and puniſhing of ſecret Aſſaults:*

*Be it therefore enacted by the Authority aforeſaid*, That if any Perſon ſhall break the Peace by ſecretly aſſaulting, beating, maiming, wounding or hurting another, the Perſon ſo aſſaulted and injured, making Application and Complaint to the next Aſſiſtant or Juſtice of the Peace, ſhewing him what Hurt or Wounds he has received thereby; ſuch Aſſiſtant or Juſtice ſhall forthwith grant out a Writ to the Sheriff of the County, or his Deputy, or Conſtable of the Town where ſuch Aſſault ſhall be made, commanding them, or either of them, to arreſt and bring before him ſuch Perſon ſo aſſaulting, to anſwer ſuch Complaint; who upon Oath being made againſt him of ſuch Aſſault, and of the Wounds or Bruiſes thereby received by the Perſon aſſaulted and beaten, ſhall be bound in a ſufficient Bond with Sureties for his Appearance at the next County Court in that County, to anſwer the Complaint aforeſaid: And in Caſe of Refuſal to become bound as aforeſaid, ſuch Perſon complained of ſhall be committed to the common Goal of the County, there to remain till the next Seſſions of the ſaid County Court.

How to proceed for ſuch aſſaults, &c.

And if the Perſon ſo bound or committed, ſhall not on Trial of the Caſe ſatisfy the Court that he was at ſome other Place at the Time the ſaid Aſſault was made, and was not the Perſon who gave it, he ſhall be adjudged guilty;

and

To pay damages in case they cannot clear themselves.

and shall be sentenced to pay the Person assaulted and injured, all such Damages as he shall have sustained by such Assault and Beating; or in Case said Damages cannot then be computed, the Offender shall give Bond with sufficient Surety or Sureties to pay all such Damages as shall be afterwards awarded by said Court at some other Sessions to which the Case shall be continued; together with Costs of Prosecution: And also to pay the Treasurer of the County such Fine as the said Court shall order; not exceeding the Sum of *Twenty Pounds*, and stand committed till such Sentence is performed.

## An Act to suppress Pedlars, Hawkers and Petty-Chapmen.

No person to trade as a pedlar, &c. on forfeiture of his goods.

BE *it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same*, That no Person shall trade, deal and traffick in this State, as a Pedlar, Hawker or Petty-Chapman, upon the Penalty of forfeiting all Goods, Wares and Merchandizes so by him carried about and offered to sale; one Half to him who shall inform and prosecute to Effect, the other Half to the State Treasury.

In what manner such goods shall be seized.

*Be it further enacted by the Authority aforesaid*, That all such Goods or Merchandize offered to Sale, as aforesaid, may and shall be seized by any Person to whom the same are so offered, or by any other Person or Persons within this State. And such Goods and Merchandize so seized, shall forthwith be delivered to the next Assistant or Justice of the Peace, and an Inventory thereof shall be taken by such Assistant or Justice, who shall cause the same to be appraised by two indifferent judicious Freeholders under Oath, according to their true and just Value in Money; and said Goods so appraised, shall remain in the Hands of the said Assistant or Justice until final Judgment be had thereon. And the Person or Persons seizing as aforesaid, shall make Information against said Goods seized as aforesaid, to an Assistant or Justice of the Peace in the Town where said Seizure is made, in Case the Value does not exceed *Forty Shillings*; but if it exceed that Sum, then to the next County Court in the County where the Seizure is made: And said Assistant, or Justice of the Peace, or County Court where such Information is filed, shall proceed to hear, try and determine said Cause, and are hereby empowered to decree said Goods forfeit as aforesaid, and order the same to be sold at Public Vendue, and the Avails thereof paid in Manner aforesaid. And the State's Attornies in the several Counties, and all other informing Officers are hereby directed to make Prosecution of this Act.

Proviso.

*Always provided*, That nothing in this Act shall be construed to hinder any Persons carrying about and selling Deers Skins, Beaver Furrs, and all other the Produce and Manufactures of this and the Rest of the United States.

## An Act for the Punishment of Perjury.

Penalty for perjury 20l.

BE *it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same*, That if any Person or Persons, either by the Subornation, unlawful Procurement, Reward, sinister Persuasion, or Means of any other, or by their own Act, Consent, or Agreement, shall wilfully and corruptly commit any Manner of wilful Perjury by his or their Deposition in any Court of Record, or upon Examination, that then, every Person and Persons so offending and being thereof duly convicted or attainted by Law, shall, for his or their Offence, lose and forfeit *Twenty Pounds*, the one Moiety thereof unto the public Treasury

of

of this State, and the other Moiety to ſuch Perſon or Perſons as ſhall be grieved, hindred or moleſted by Reaſon of any ſuch Offence, that ſhall ſue for the ſame by Action of Debt, Bill, Plaint, Information, or otherwiſe in any Court of Record; in the which, no Wager of Law, Eſſoin, Protection, or Injunction to be allowed. And alſo to have Impriſonment by the Space of ſix Months without Bail or Mainprize.

And fix Months Imprisonment.

And the Oath of ſuch Perſon or Perſons ſo offending not to be received in any Court of Record, until ſuch Time as the Judgment given againſt the ſaid Perſon or Perſons ſhall be reverſed by Attaint or otherwiſe.

Diſqualified from being Witneſſes.

And upon every ſuch Reverſal, the Party aggrieved to recover his or their Damages againſt all and every ſuch Perſon and Perſons as did procure the ſaid Judgment ſo reverſed, to be given againſt them, or any of them, by Action or Actions upon his or their Caſe or Caſes, according to the Courſe of the Common Law.

Party injured to recover Damages.

And if it happen the ſaid Offender or Offenders ſo offending, have not any Goods or Chattles to the Value of Twenty Pounds, that then he or they ſhall be ſet in the Pillory by the Space of one whole Hour, in ſome County Town where the Offence was committed, or next adjoining to the Place where the Offence was committed; and to have both his Ears nailed: And from thenceforth to be diſcredited and diſabled forever, to be ſworn in any Court of Record, until ſuch Time as the Judgment ſhall be reverſed.

If any unable to pay, &c. to be ſet in the Pillory.

And all and every Perſon or Perſons who ſhall unlawfully and corruptly procure any Witneſs or Witneſſes by Letters, Rewards, Promiſes, or by any other ſiniſter and unlawful Labour or Means whatſoever, to commit any wilful or corrupt Perjury in any Matter or Cauſe whatſoever, depending, or that ſhall be depending in Suit and Variance, by any Writ, Action, Bill, Complaint or Information in any Court of Record; every ſuch Offender being thereof duly convicted or attainted by Law, ſhall, for his or their Offence be proceeded againſt, and ſuffer the like Pains, Penalties, Forfeitures and Diſability in all Reſpects as above-mentioned.

Like Puniſhment for Subornation.

## An Act concerning Petitions, and Prayers, or Memorials to the General Aſſembly.

BE it *Enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Petition, Prayer, or Memorial made or preferred by any Perſon or Perſons whatſoever to the General Aſſembly, ſhall be heard or conſidered by ſaid Aſſembly, where any other Perſon or Perſons is, or are concerned in the Eſtate, Matter, Thing or Things in Controverſy, and have Right to be heard in the ſame, unleſs he or they ſo concerned have been ſummoned or notified thereof, at leaſt twelve Days before the firſt *Tueſday* which ſhall be next after the opening of the ſaid Aſſembly; and alſo have an atteſted Copy of ſuch Petition, Prayer, or Memorial given or offered to him or them, or left at the Place of his or their uſual Abode, at leaſt twelve Days before ſuch *Tueſday*.

Adverſe Party to be notified, &c.

And that all Summonſes for the adverſe Party to appear and anſwer to the ſaid Petitions, Prayers, or Memorials ſhall be for their Appearance on the ſaid *Tueſday*.

Time of Appearance.

And that if any Perſon or Perſons preferring ſuch Petition, Prayer, or Memorial in controverſal Matters ſhall not appear on *Wedneſday* next after the ſaid *Tueſday* to proſecute the ſame, it ſhall abate.

To abate for Non-appearance of Petitioner, &c.

And if upon Trial of the Caſe in any Petition contained, it doth appear that either the Petitioner or Petitioners, or the Perſon or Perſons ſummoned to anſwer do, or have given the other Party unjuſt Trouble, the Party or Parties wronged ſhall be allowed his or their juſt Coſt and Damages, as in other Caſes.

Party wronged to recover Coſts.

*And*

No Petition lies when Remedy at Law may be had.

*And be it further enacted by the Authority aforeſaid*, That no Petition ſhall be preferred to the General Aſſembly, but in ſuch Caſe or Caſes where no other Court is by Law competent to grant Relief.

Proviſo.

*And it is further enacted and provided by the Authority aforeſaid*, That no Petition ſhall be preferred to the General Aſſembly in any Caſe whatever, wherein the Value of the Debt, Damage, or other Matter or Thing about which the Controverſy did ariſe, does not exceed the Sum of *ſeven Pounds*. And that no original Suit for Relief in Equity ſhall be preferred to ſaid Aſſembly, unleſs the Value of the Matter or Things in Demand exceeds the Sum of *ſixteen hundred Pounds*; all Suits of that Kind of Matters of leſs Value, being by Law made triable before the County or Superior Courts.

Petition to be lodged before the 8th Day of the Seſſions.

*And it is further enacted*, That all Memorials wherein no Perſon or Party is ſo concerned or intereſted as that he need be cited, ſhall be lodged in the Secretary's Office on or before the eighth Day of the Seſſions of that Aſſembly to which they are preferred, otherwiſe they ſhall not be heard.

## An Act for ordering and regulating Pleas and Pleadings.

Preamble.

*FOR preventing unneceſſary Charge and Delays in the ſeveral Courts of Common Pleas in this State; and for the more regular Proceeding in Trials therein.*

Pleas in Abatement to be heard, &c. and Iſſue joined before the Jury is impannelled.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Pleas made in Abatement of Writs or Proceſſes in any of the County Courts in this State ſhall be made, heard and determined; and the Iſſue in every Caſe joined and an Entry thereof made before the Jury is impannelled.

Appeal on Abatement, &c.

And upon every Appeal from a Determination of Pleas made in Abatement of the Writ or Proceſs, the Cauſe ſhall be referred with the Appeal to the next Superior Court, where the Plea in Abatement ſhall be finally iſſued; and if the Caſe proceed, the Iſſue ſhall there be joined, unleſs by the Courſe of the Pleadings there ſhall be a Demurer in Law only.

Nihil dicit.

And in Caſe any Defendant will not make his Plea or join Iſſue, Judgment ſhall be given againſt him upon a *nihil dicit*.

General Iſſue.

That the general Iſſue of, Not Guilty, *nil debet*, no Wrong or Diſſeiſin, or any other general Plea proper to the Action, whereby the whole Declaration is put upon Proof, according to the Nature of the Caſe, may be made by the Defendant; under which general Plea the Defendant ſhall have Liberty upon Trial of the Caſe on ſuch general Iſſue to give his Title in Evidence, or any other Matter in his Defence or Juſtification as the Nature of the Action may be; excepting only a Diſcharge from the Plaintiff, or an Accord, or ſome other ſpecial Matter, whereby the Defendant by the Act of the Plaintiff is ſaved or acquitted from the Plaintiff's Demand in the Declaration.

When Pleas may be allowed.

And whenſoever any Party ſhall ſuppoſe he has miſſed his Plea, whether the General Iſſue or Special Plea, which would have ſaved him in his Cauſe, he ſhall have Liberty to alter his Plea; and the oppoſite Party ſhall have a reaſonable Time aſſigned him for making Anſwer thereunto: And if the new Plea be found inſufficient for the juſtifying him that made it, reaſonable Satisfaction ſhall be awarded by the Court before which the Trial is to the other Party for the greater Delay which is made thereby; according to the Intereſt of Money, Rent of Land, or Improvement of any other Thing recovered by the Suit.

Proviſo.

*Provided nevertheleſs*, That no Defendant ſhall in the Trial of any Cauſe be admitted to demur to the Declaration after he hath pleaded to Iſſue, nor a Judgment thereon hath been given by any Court; any Thing to the contrary before in this Act notwithſtanding.

# An Act for maintaining and ſupporting the Poor.

Towns to ſupport their own poor.

BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame, That each Town in this State ſhall take care of, ſupport and maintain their own Poor.

Proviſion for that purpoſe how made.

And the Select-men for the Time being, or Overſeers of the Poor, (where any ſuch are choſen) ſhall have full Power to expend or diſburſe out of the Town Stock or Treaſury, what they ſhall judge meet and neceſſary from Time to Time, for the Relief, Supply and Support of any of the Poor belonging to their Town, ſo far as to the amount of Five Pounds: And if more be needful, the ſaid Select-men or Overſeers, or the major Part of them ſhall, with the Advice of the Authority of that Town, (if any there be) expend and diſburſe what ſhall be by them judged needful for the Relief of the Poor, as aforeſaid.

And in caſe there be none of the Civil Authority in any Town, the Select-men, or Overſeers aforeſaid, of ſuch Town, may act as fully as if they had ſuch Advice in the Caſe aforeſaid, for the relief of the Poor, and for the ſupplying them, or any of them with Victuals, Cloathing, Firewood, or any other Thing neceſſary for their Support or Subſiſtence.

Penalty for neglect.

And if any Select-man or Overſeer of the Poor, do neglect or refuſe to give a juſt Account upon Oath of what he hath expended as aforeſaid, and of what of the Town's Stock or Money is in his Cuſtody, upon ten Days Warning, before an Aſſiſtant or Juſtice of the Peace, when called to it by the Town, and return what is not expended, to and for the Uſe aforeſaid, to the Town, he or they ſhall be committed by an Aſſiſtant or Juſtice of the Peace, to the Gaol, there to remain at his or their own Charge and Coſt, until he or they ſhall give ſuch Account, and make Return as aforeſaid.

Children to be brought up to labour.

That if any poor Perſon or Perſons who have had, or ſhall have Relief or Supplies from any Town, ſhall ſuffer their Children to live idly, or miſpend their Time in Loitering, and neglect to bring them up or employ them in ſome honeſt Calling, which may be profitable to themſelves and the Public; or if there ſhall be at any Time any Family that cannot, or do not provide competently for their Children, whereby they are expoſed to Want or Extremity; or if there be any poor Children in any ſuch Town that live idly, or are expoſed to Want and Diſtreſs, and there are none to take Care of them, it ſhall and may be lawful for the Select-men or Overſeers of the Poor in each Town, and they are hereby impowered and directed, with the aſſent of the next Aſſiſtant or Juſtice of the Peace, to bind out any and every ſuch poor Child or Children belonging to ſuch Town, to be Apprentices or Servants, where they ſhall ſee convenient; a male Child till he comes to the Age of twenty-one Years, and a Female till ſhe comes to the Age of Eighteen; which Binding ſhall be as effectual to all Intents and Purpoſes as if any ſuch Child were of full Age, and by Indenture of Covenant had bound him or herſelf.

When children to be bound out, &c.

Perſons ſuffered to continue three months, towns liable, &c.

And that if any Perſon or Perſons ſhall come to live in any Town in this State, and be there received and entertained by the Space of three Months, and if by Sickneſs, Lameneſs, or the like, he or they come to want Relief, every ſuch Perſon or Perſons ſhall be provided for by that Town wherein he or they were ſo long entertained, at ſaid Town's own proper Coſt and Charge; unleſs ſuch Perſon or Perſons by Law are to be provided for by ſome particular Inhabitant of ſuch Town; or, unleſs ſuch Perſon or Perſons requiring Relief, have within the ſaid three Months, been warned as the Law directs, to depart and leave the Place: And if ſuch Warning be given, and the ſame be certified to the next Superior Court to be held in the ſame County, the ſaid Court ſhall and may otherwiſe order the defraying the Charge ariſing about ſuch indigent Perſon or Perſons.

# An Act for providing and maintaining Pounds, and for regulating the impounding Creatures, and for preventing Reſcues and Pound Breach.

Pounds to be kept in each town.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That there ſhall be made, and from Time to Time kept and maintained, in every Town within this State at the Charge and Coſt of ſuch Town, a ſufficient Pound or Pounds for the impounding and reſtraining therein, all ſuch Horſes, Cattle, Swine and other Creatures as ſhall be found Damage-feaſant; or ſhall be by Law liable to be impounded.

Select-men to ſee that they are provided,

And the Select-men in each Town ſhall, from Time to Time, as Need ſhall require, erect and maintain a ſufficient Pound or Pounds, as the Town have agreed or ſhall agree, at the proper Charge and Coſt of ſaid Towns.

Or forfeit 10s per month.

And that if any Town be at any Time hereafter, without a ſufficient Pound for the Purpoſe aforeſaid, the Select-men of ſuch Town ſhall forfeit the Sum of *Ten Shillings* per Month, for every Month ſuch Town is unprovided with a ſufficient Pound or Pounds ſo agreed on by ſuch Town or Towns; one Half to him or them that ſhall proſecute the ſame to Effect, and the other Half to the County Treaſury: Any one Aſſiſtant or Juſtice of the Peace to hear and determine the ſame.

Proviſo.

*Provided neverthelefs*, That if any Town hath granted, or ſhall grant to any particular Pariſh, Hamlet, Vicinity or part of any Town, Liberty at their own Coſt and Charge to erect a Pound or Pounds for their own Convenience (which Grant ſuch Towns are hereby impowered to make) the ſaid Pound or Pounds ſhall be maintained by the ſaid Pariſh, Hamlet, Vicinity or part of any Town; and the Select-men ſhall not ſuffer or be puniſhable for any Defects therein.

Perſons impounding creatures to give ſpeedy notice to the owner.

*Be it further enacted by the Authority aforeſaid*, That any Perſon impounding any Horſes, Cattle, Swine or other Creatures, ſhall give Notice thereof to the Owner of ſuch Creatures, as ſoon as may be, if the Owner be known, on Pain of forfeiting the ſame Penalties as are hereafter in this Act expreſſed for ſuch Perſons as having Notice of their Creatures being impounded ſhall neglect to redeem them out of Pound.

Horſes, &c. impounded, owners not known, to be cried, &c.

That if any Horſes, Cattle, Swine or other Creatures ſhall be taken Damage-feaſant and impounded, and the Owner thereof is not known, the Impounder ſhall forthwith inform one of the Conſtables of the Town thereof who ſhall cry ſuch Creatures, with their natural and artificial Marks, by poſting up the ſame in the Town where they are impounded and in the two next neighbouring Towns, from whence it may be moſt likely ſuch Creatures came.

Owner not appearing, &c.

And if no Owner doth appear (in the Caſe of Sheep and Swine that are impounded) in eight Days after ſuch Creatures are cried and poſted as aforeſaid, and in the Caſe of Horſes and Cattle, in twenty Days after cried and poſted as aforeſaid; then ſo many of the ſaid Creatures ſhall by the ſaid Conſtable be ſold at an Out-cry, as may be ſufficient to ſatisfy the Damage and Poundage, and for Meat and Water, with the Charges ariſing for crying and ſelling the ſame.

Marks to be entered, &c.

And the Marks natural and artificial of the Creatures ſo ſold, ſhall be entered in the Town Clerk's Office, together with an Account of the Charges ariſen and the Price of the Creatures, and the Sum of the Overplus remaining (if any be) after the Town Clerk is ſatisfied for Entry; and ſuch Overplus ſhall be delivered to the Town Treaſurer to be kept for the Owner: But if no Owner appear within one Year, ſuch Overplus ſhall belong to ſaid Town's Treaſury.

Proviſo.

*Provided neverthelefs*, That the Fence about the Incloſure out of which Horſes or Cattle are impounded, muſt be found ſufficient by two ſworn Fence-

Fence-Viewers before any Sale ſhall be made as aforeſaid. And if the Owner or Owners of ſuch Horſes or Cattle ſhall come within ſaid twenty Days, he or they ſhall receive ſuch Horſe Kind or Cattle, paying for viewing ſaid Fence, and other Damage and Coſt, which by this Act ſhall be due as aforeſaid.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons, whoſe Creature or Creatures ſhall be impounded, and he or they notified thereof, as aforeſaid, ſhall not within twenty-four Hours after ſuch Notice to him or them given, either replevy or redeem his or their ſaid Creature or Creatures out of the Pound, every ſuch Perſon or Perſons ſhall forfeit *one Shilling* per Head for every Beaſt ſo by him or them ſuffered to continue in Pound; and ſo the ſame Sum a Day for every Day after the firſt Day that he or they ſhall ſuffer ſaid Creatures to continue in Pound, beſides all neceſſary Charges the Pound-keeper ſhall be at in providing and giving Meat and Water to ſuch Creatures ſo continued in Pound. Penalty for neglecting to redeem, &c.

All of which Forfeitures as ſhall become due for Breach of this Order, ſhall belong one half to the Pound-keeper, and the other half to the Town-Treaſury; (juſt Damages and Poundage being firſt paid; which ſhall be done before ſaid Creatures are releaſed out of Pound): Any one Aſſiſtant, or Juſtice of the Peace, to hear and determine the ſame; and on Conviction of the Offender, to grant a Warrant for levying the ſame, with Coſt, out of the Eſtates of the Perſons convicted, as aforeſaid. Diſpoſition of the forfeitures, &c.

*Be it further enacted by the Authority aforeſaid*, That all Horſe-kind which being ſuffered to go at Large on the Commons, do break into any Common Field or particular Incloſure, and are there found Damage-feaſant, and from thence impounded; the Owner thereof, if known, ſhall pay for the Poundage *Four-pence* per Head, and Damages, notwithſtanding the inſufficiency of the Fence. And in caſe the Owner of ſuch Horſe or Horſe-kind, cannot be known within the ſpace of twenty-four Hours after the Impounding the ſame, they ſhall be accounted Strays, and be liable to be proceeded with as ſuch. When poundage is to be paid for horſes notwithſtanding the inſufficiency of the fence, &c.

That upon the Replevin of any ſuch Horſe or Horſe-kind, or other Diſpute in the Law ariſing on any ſuch Matter, when the Impounder has under Oath declared the Place from whence he took ſaid Horſe or Horſe-kind, that unleſs the Owner of ſuch Horſe or Horſe-kind can ſhew to the ſatisfaction of the Court or Juſtice, before whom the Trial is, that the ſaid Horſe or Horſe-kind were not ſuffered to go at Large on the Commons, and did enter into the ſaid Field or Incloſure, through the inſufficiency of ſome other part of the Fence not adjoining to the Commons, Judgment ſhall be rendered againſt the Owner of ſuch Horſe or Horſe-kind, to pay juſt Damages, together with Coſts. Replevin.

*Be it further Enacted*, That the Fee to be paid by the Owner or Owners of all ſuch Horſes, Cattle, Sheep and Swine as ſhall be taken Damage-feaſant, and impounded, (whereof Three-quarters ſhall be to the Driver or Impounder, and One-quarter to the Keeper of the Key) ſhall be as follows, viz. For all Horſes, Horſe-kind and Neat Cattle, *Eight-pence* per Head: For all Sheep, *One-penny* per Head: For all Swine, *Eight-pence* per Head; except where the Law provides otherwiſe. Pound fees.

And that if any Creatures lawfully impounded, ſhall eſcape and get out of Pound, the Owner thereof being known, ſhall pay all juſt Damages and Poundage notwithſtanding: Which ſhall be as recoverable by Action of Debt, as any other Debt whatſoever.

*Provided*, The Perſon or Perſons impounding ſuch Creatures, ſhall give Oath that he or they took ſuch Creatures Damage-feaſant. Proviſo.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall reſcue any Horſes, Cattle, Sheep, Swine or other Creatures taken up as aforeſaid, out of the Hand or Cuſtody of any Perſon or Perſons going to Pound with them, or ſhall reſiſt them therein, or ſhall by any Penalty for reſcue.

Means convey ſuch Creatures out of the Pound, or Cuſtody of the Law, whereby the Party wronged may be liable to loſe his Poundage and Damages; and the Law to be eluded, the Party ſo offending ſhall for ſuch Reſcues, forfeit and pay the Sum of *Twenty Shillings*; and for ſuch Pound Breach, the Sum of *Forty Shillings*: Three Quarters of which ſhall be for the Uſe of the Town Treaſury of that Town wherein the Offence ſhall be committed, and one Quarter thereof to him who ſhall proſecute the ſame to Effect; and alſo ſhall pay all Damages to the Party wronged by ſuch Reſcues, or Pound Breach.

If unable to pay, to be whipped, &c.

And if either of ſaid Offences be done by any Perſon or Perſons not of Ability to anſwer and pay the Damage and Forfeiture aforeſaid, ſuch Perſon or Perſons being convict as aforeſaid, ſhall by Warrant from the Authority before whom the Conviction is had, be whipped not exceeding fifteen Stripes for meer Reſcue or Pound Breach, and ſhall be aſſigned in Service to the Party wronged, to make Satisfaction for the Damages he ſhall have ſuſtained.

When maſters or parents liable to pay, &c.

And if it appear that there was any Procurement of the Owner or Owners of the Creatures, or that they were Abetters; or if it be done by their Servants or Children, the ſaid Owner or Owners ſhall pay all Damage and Forfeitures, as if he or they had perſonally done the ſame.

Proviſo.

*Always provided*, That all Complaints for Breach of this Act, ſhall be proſecuted within nine Months after the Offence is committed, and not after.

## An Act concerning Prohibitions.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when any Perſon or Perſons ſhall make Suggeſtion to the Superior Court in this State, or in the Vacation to the Chief Judge, or to any two of the Aſſiſting Judges of ſaid Court, that any other Court held in this State do exceed their Juriſdiction or do hold Plea of any Matter, Cauſe or Thing, whereof by Law ſuch Court hath not Cognizance or Juriſdiction, whereby the Perſon or Perſons ſuggeſting are grieved, then, and in every ſuch Caſe the ſaid Superior Court Chief Judge, and two Aſſiſting Judges to whom ſuch Suggeſtion is made ſhall be, and they are hereby impowered to grant a Writ of Prohibition ſubſcribed by the Chief Judge, or by two Aſſiſting Judges of ſaid Court, and ſealed with the Seal of the ſaid Court, directed as well to the Party proſecuting in, as to the Judge of ſuch Court that hath taken or doth take Cognizance of any ſuch Cauſe, Matter or Thing whereof they have no Right to hold Plea, as aforeſaid, prohibiting them from proceeding any further.

Prohibition how obtained &c.

Sup. courts power in the premiſes.

And the ſaid Superior Court is hereby further impowered to proceed from Time to Time thereon, and to render Judgment in every ſuch Caſe according to the Courſe of the common or ſtatute Law, as the Nature of the Caſe may require, and award Coſts as in other Caſes, and grant Execution accordingly.

## An Act relative to the People commonly called Quakers.

Preamble.

*WHEREAS the People commonly called Quakers, decline and refuſe to take an Oath in the uſual Form, by Reaſon of Scruples of Conſcience.*

Wherefore, in Eaſement thereto:

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Quaker within this

this State, who ſhall be required upon any lawful Occaſion to take the Witneſſes Oath, ſhall inſtead of the uſual Form, be permitted to make his or her ſolemn Affirmation; and the ſame ſhall be adminiſtred to him or her in the Words following, viz.

Quakers admitted to take the affirmation.

Form.

YOU A. B. *do ſolemnly and ſincerely affirm and declare, that the Evidence you ſhall give to this Court concerning the Caſe now in Queſtion, ſhall be the Truth, the whole Truth, and nothing but the Truth; upon the Pains and Penalties of Perjury.*

Affirmation how and when admitted.

And that in every other Caſe, where an Oath by Law is enjoined, the ſame ſhall and may be adminiſtred to them in the uſual Form in ſuch Caſe by Law preſcribed, excepting inſtead of the Words, "*ſwear by the Name of the everliving God,*" theſe Words, viz. "*ſolemnly, ſincerely and truly affirm and declare,*" ſhall be made Uſe of in the Room thereof; and omitting the uſual Cloſe of theſe Words in the Form, viz. "*So help you God.*"

Authority given to adminiſter the affirmation.

And all Perſons authorized and required by Law to adminiſter any Oath, are hereby authorized and directed to adminiſter and tender the ſame, when thereto by Law required, to the People called Quakers, in the Form in this Act preſcribed.

Affirmation of the ſame validity of an oath.

*And be it further enacted by the Authority aforeſaid,* That the aforeſaid ſolemn Affirmation or Declaration, when made as aforeſaid, ſhall be adjudged and taken to be of the ſame Force and Effect, to all Intents and Purpoſes in all Courts of Juſtice and other Places, where by Law an Oath is required, within this State, as if ſuch Quaker had taken an Oath in the uſual Form.

Puniſhment for falſe affirmation, &c. as for perjury.

And if any Quaker making ſuch ſolemn Affirmation or Declaration, ſhall be lawfully convicted of having wilfully, falſly, and corruptly affirmed or declared any Matter or Thing, which if the ſame had been in the uſual Form, would have amounted to wilful and corrupt Perjury; every ſuch Quaker ſo offending, ſhall incur the ſame Penalties and Forfeitures as by the Laws of this State are enacted againſt wilful and corrupt Perjury.

## An Act for the Puniſhment of Rape.

Rape puniſhed with death.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That if any Man ſhall forceably, and without Conſent raviſh any Maid or Woman, by committing carnal Copulation with her againſt her Conſent, he ſhall be put to Death.

Proviſo.

*Provided,* Complaint and Proſecution be made forthwith upon the Rape.

## An Act for collecting and paying Rates or Taxes.

All inhabitants to contribute to the public charge.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That every Inhabitant in this State, ſhall (unleſs by Law in any Caſe exempted) contribute to public Charges, both civil and eccleſiaſtical, whereof he doth or may receive Benefit; and ſhall be compelled thereunto, if need be, by Aſſeſſment and Diſtreſs: To be levied and collected as is or ſhall be by Law provided.

All rates to be made by one rule.

And all Rates and Taxes that ſhall be granted by the General Court; and all other Rates or Taxes of Counties, Towns, Societies; or any Community by Law enabled to grant and levy Taxes, ſhall be made by the ſame Rule; THAT IS TO SAY, according, and in Proportion to the general Liſt of Polls and rateable Eſtate, from Time to Time given in, and made according to Law, except where another Rule of granting and levying Rates, Taxes or Aſſeſſments, is by Law provided in any particular Caſe or Caſes.

That

State treaſurer to ſend out his warrants, &c.

That whenſoever the General Aſſembly doth grant any Rate or Tax, to be levied upon the Inhabitants of this State, the Treaſurer of this State for the Time being, is hereby impowered, required and directed (without any further Notice to him given) to ſend forth his Writs or Warrants in due Form, at leaſt three Months before the Time limited for the Payment thereof into the public Treaſury, directed to the ſeveral Conſtables, Collectors of ſuch Taxes within this State, them commanding, without fail, to collect and pay the ſame into the public Treaſury, by the Time fixed for that Purpoſe; and in Caſe no particular Time is ſpecially fixed in the Grant of any Tax, as aforeſaid, for the Payment thereof into the public Treaſury, the ſame ſhall be collected and paid in before the laſt Day of *Auguſt*, which ſhall be in each Year reſpectively.

Directed to the conſtables, &c.

Proviſo.

*Provided neverthelefs*, That the ſaid Collectors ſhall not proceed to levy or diſtrain for ſaid Rates, or any Part thereof, till within two Months before the Day in which the ſame is made payable into ſaid Treaſury.

Collectors neglecting, &c.

*And it is further enacted by the Authority aforeſaid*, That if any ſuch Collector ſhall neglect ſo to collect and pay ſuch Rate or Tax, and his Account thereof with the Treaſurer to ſettle and adjuſt, by the reſpective Days or Times to that End limited, the ſaid Treaſurer ſhall, and he is hereby directed and required, within thirty Days next after ſuch limited Time, to iſſue forth a Diſtreſs, directed to the Sheriff of the County wherein ſuch Collector dwells, him in the Name of this State commanding, of the Goods or Eſtate of ſuch negligent Collector the full Amount of ſuch Rate or Tax, or ſuch part thereof as ſhall then remain unpaid, to levy and pay to ſaid State Treaſury; which Writ ſhall be made returnable to ſaid Treaſurer within ſixty Days from the Date thereof: And it ſhall be the Duty of ſuch Sheriff ſo to return the ſame accordingly; duly certifying and ſetting forth his Doings touching ſuch Collections thereon, or a *Non eſt inventus*, as the Caſe may require. And every Sheriff to whom ſuch Diſtreſs or Warrant ſhall be directed, is hereby impowered and commanded to ſerve the ſame, in and throughout all the Counties and Towns in this State, agreeable to the Directions therein given.

Treaſurer to ſend out a diſtreſs againſt him.

Directed to the ſheriff, &c.

His duty.

On return of non eſt againſt the collector,

*And it is further enacted by the Authority aforeſaid*, That in Caſe of a Return of *Non eſt inventus*, as aforeſaid, and the Money thereby to have been levied or any Part thereof, ſhall ſtill remain unpaid into the Treaſury, in ſuch Caſe the Treaſurer ſhall forthwith iſſue a Diſtreſs directed to the Sheriff as aforeſaid, him requiring, ſuch remaining Sum or Sums, with all Officers Fees and Charges before ſuch Time ariſen, and to ariſe, of the Goods or Eſtate of the Select-men (or of any or either of them) of the Town to which ſuch negligent Collector doth belong, to levy and pay into ſaid Treaſury; which ſaid Writ ſhall be made returnable within ſixty Days.

diſtreſs to iſſue againſt the ſelect-men.

Penalty of 20l. on treaſurer for neglect, &c.

*And it is further enacted by the Authority aforeſaid*, That if ſaid Treaſurer ſhall neglect to ſend forth his Writ or Warrant to, or his Diſtreſs againſt the Collector neglecting to collect and pay as aforeſaid; or on return of *Non eſt inventus*, and the ſaid Rate or Tax remaining ſtill unpaid, ſhall neglect forthwith to ſend forth a Diſtreſs againſt the Select-men of ſuch Town where ſaid negligent Collector doth belong, as is above required; in every ſuch Caſe the ſaid Treaſurer ſhall forfeit and pay to, and for the uſe of the State, the Sum of *Twenty Pounds* lawful Money; and ſo Twenty Pounds more per Month, for every Month he ſhall ſo neglect and fail to iſſue his Warrants or Diſtreſſes as aforeſaid.

Penalty on ſheriff for neglecting his duty, &c.

*And it is further enacted by the Authority aforeſaid*, That in Caſe the ſaid Sheriff ſhall be guilty of any failure, breach or neglect of Duty in the Execution of his Office, in any of the Matters aforeſaid, he ſhall be ſubject to and ſuffer the ſame Pains and Penalties, and be proceeded againſt in the ſame Manner as is provided in one certain Statute Law of this State, entitled, "

*Act for appointing of Sheriffs, and for impowering and regulating them in the Execution of their Office.'*

Duty of state attorney to sue for all forfeitures, &c.

*And be it further enacted by the Authority aforesaid*, That it shall be the Duty of the State's Attorney in the County where the said Treasurer dwells, and he is hereby required, to enquire after any and every such Neglect, either of the said Treasurer or any of the Sheriffs, touching the Matters aforesaid; and he is hereby authorized, impowered and directed, in the Name of this State, to sue for and recover any Forfeitures and Damages that shall accrue by Virtue of this Act, in any of the Superior or County Courts in such County. And in case any Forfeitures shall be recovered by Virtue of this Act, the said Attorney shall have to himself, as a Reward for his Faithfulness, after the Rate of Two and an Half *per Cent.* upon all such Forfeitures recovered as aforesaid, and the Rest and Residue thereof he is hereby ordered to pay unto the said Treasurer, taking his Receipt for the same, and lodging said Receipt with the Secretary of this State; and the Money so recovered and paid in as aforesaid, shall become part of the public Stock, in the Hands of the Treasurer, for which he shall be accountable.

Two & half per cent. allowed him for his trouble.

When collector proves insolvent, &c. warrant to issue against the select-men, &c.

*And be it further enacted by the Authority aforesaid*, That when and so often as it shall happen, that any Constable, Collector as aforesaid, shall prove insolvent, or shall not be able to pay the State Tax, or any Part or Parcel thereof in his Hands, in such Case the Treasurer is impowered and ordered to issue his Warrant, directed to the Sheriff of the County where such insolvent or deficient Constable or Collector dwells, requiring him to levy and collect of the Select-men, or any one of them, of that Town in which such insolvent Constable is chosen as aforesaid, such Rate or Part or Parcel thereof as shall then be in the Hands of such insolvent Constable; which Sheriff receiving such Writ, shall be, and he is hereby impowered and required to serve the same throughout this State as aforesaid; and also shall pay what he shall so levy of such Select-men or Select-man, to the Treasurer as aforesaid.

Select-men to tax the town, &c. to reimburse themselves, &c.

And the Select-men aforesaid shall, and they are hereby impowered to levy a Tax or Rate upon the Inhabitants of the said Town or Towns, according to the list of Polls and rateable Estate therein, that shall be sufficient for the payment of such Rates or Part thereof, as is recovered by said State Treasurer of such Select-men as aforesaid, with the Charges arising thereon. And the said Select-men shall be accountable for said Tax levied as aforesaid, to their Successors in said Office, or to such Person or Persons as shall be appointed by said Town or Towns for that Purpose.

And in order that any Town or Select-men, in Case of the failing Circumstances of their respective Collectors, may be enabled to avail themselves of any Part of the Rate-Bills in the Hands of such Collectors or of their Estates, and thereby prevent the Loss they may be exposed to:

How towns may secure themselves in case of failing of the collector, &c.

*Be it further enacted by the Authority aforesaid*, That when and so often as any Collector of the State Tax shall neglect to make up and settle his Accounts with the Treasurer, by the Time appointed by Law for settling the same, it shall be lawful for the Select-men of such Town for the Time being, to bring their Action against such negligent Collector for the recovery of such Sum or Sums as shall remain unpaid, and to attach and secure the Person and Estate of such Collector, for the same; and the whole of the Estate which such Collector shall be seized or possessed of at the Time of the Select-men bringing their Action as aforesaid, shall be subject to the Payment of said Rate or Tax, any Disposition of said Collector or any Demand of any Creditor notwithstanding.

Proviso.

*Provided also*, That if any such Collector shall deliver up his Rate Bill into the Hands of the Select-men, they are hereby impowered to depute some meet Person to collect what remains uncollected thereon, and the same shall be accounted for in Favour of said Collector.

*And*

Collector being sued by the town, warrant may issue out against selectmen.

*And it is further enacted by the Authority aforesaid*, That when and so often as any Town shall have brought their Action against any Collector pursuant to this Act, the Treasurer of this State may grant out his Warrant against the Select-men of that Town for the non-payment of said Tax or Taxes, in the same Manner as if a return of a *Non est inventus* had been made against said Collector.

Collectors to pay interest after rates are payable, &c.

*Be it further enacted by the Authority aforesaid*, That every Collector of the State Tax, who neglects to pay into the State Treasury such Tax by him to be collected within sixty Days next after the same is made payable and due, such negligent Collector shall pay lawful Interest on what shall be unpaid of such Rate or Tax, from and after the Expiration of said Days until he discharge the same; and said Collector shall likewise be, and he is hereby enabled to levy and collect said Interest of the respective Persons from whom the same is due, and who have neglected to pay said Rate. And the Treasurer of this State is hereby authorized and directed to issue out Executions to levy and collect whatever Interest shall become due for neglect of Payment as above provided, in like Manner as he is for the Principal Sum due on Rates or Taxes.

Towns to pay interest, &c. How levied, &c.

And in Case any Collector shall prove Insolvent, the Town appointing such Collector shall pay Interest on all such Taxes in like Manner as above provided in regard to the Collector, and the same shall be levied and collected of the Select-men of said Town, in the same Manner as Taxes by Law are to be collected of insolvent Collectors; and said Select-men shall have the same Authority to levy and collect such Interest, as they have to collect the Tax, in Case of insolvent Collectors.

Sheriffs to pay interest after 30 days, &c.

*Be it further enacted by the Authority aforesaid*, That when any Sheriff hath received Money for Rates, on Warrant from the Treasurer of this State against any Collector, or Select-men of any Town on the Insolvency of the Collector of such Town, and shall neglect to pay the same within thirty Days next after the receiving such Money, such Sheriff shall pay Interest on such Money until he pay the same to said Treasurer.

Towns chargeable with the whole tax, &c except, &c.

*Be it further enacted by the Authority aforesaid*, That the several Towns in this State, shall be chargeable and responsible for the full Amount of the State Tax or Rate that may at any Time be granted by the General Assembly in proportion to the Sum Total of the respective Lists of said Towns as the same shall be annually made and returned according to Law. And the Treasurer of this State shall make no Deduction from said Amount, except the Abatement that may be expressly mentioned in the Grant itself of said Tax, nor shall he accept or allow any Bills of Abatement for any Part of such Rates, save only such as are expressly mentioned to be allowed, and are certified conformable to the Directions given in the Law of this State, entitled, "*An Act for the direction of Listers in their Office and Duty.*"

Poor abated.

*And be it further enacted by the Authority aforesaid*, That the Select-men of the several Towns in this State, respectively, or the major Part of them, with the Advice of an Assistant or Justice of the Peace, shall have Power, and they are hereby impowered to abate the Rates of such in their respective Towns as are poor and unable to pay the same. And when any Person shall by any Collector of the State Tax, be committed to Gaol for the Non-Payment of such Rate, and being so committed, shall have lawfully administred to him the Oath by Law provided for the Relief of poor Prisoners (which Oath he shall not be permitted to take, until one or more of the Select-men of the Town where such Prisoner belongs, have had due and reasonable Notice to be present and shew Reasons (if any be) why said Oath should not be administred to him); the Town to which such poor Persons, whose Rates are so abated, or who have taken the poor Prisoners Oath, as aforesaid, do belong, shall be chargeable with the Sums at which such

Persons committed to gaol may take poor prisoners oath, notifying, &c.

In which case the town answerable for their taxes, &c.

ſuch Perſons were charged in ſaid Rates; and alſo with all the Coſt and Charges occaſioned by ſuch Commitment; and the Select-men ſhall order the ſame to be paid to ſuch Collector out of the Treaſury of ſuch Town: And for Want of a Sufficiency in ſaid Town Treaſury to pay the ſame, the ſaid Select-men are hereby impowered to make and levy a Tax on the Inhabitants of ſuch Town, ſufficient to raiſe ſuch Sums as ſhall be needful for that Purpoſe, together with the Charges of collecting the ſame. And in Caſe the ſaid Rates are not paid to ſaid Collector within thirty Days next after the Time limited for Payment of ſuch Rate to the State Treaſurer, ſuch Collector ſhall certify the ſame to ſaid Treaſurer, who ſhall thereupon iſſue an Execution in due Form of Law, to levy the ſame out of the Money, Goods or Eſtate of ſuch Select-men.

Towns, &c. may lay taxes, &c.

*Be it further enacted by the Authority aforeſaid*, That whenſoever any Town, Society, or other Community, which by Law are, or ſhall be enabled and authorized to grant and levy any Rate or Tax for the anſwering or defraying their neceſſary Charges and Expence, ſhall in any of their lawful Meetings, agree upon and grant a Rate or Tax to be levied on and collected of themſelves, for any of the Purpoſes for which by Law they are or ſhall be impowered to grant ſuch Rate or Tax, they ſhall chooſe ſome meet Perſon or Perſons to be Collector or Collectors of ſuch Rate or Tax, and take proper Care that ſuch Rate be accordingly made for the juſt Aſſeſſments of the ſeveral Perſons taxed, and deliver the ſame to ſuch Collector or Collectors.

And appoint collectors, &c.

Warrant to be granted, and by whom.

And upon Application made to ſome Aſſiſtant or Juſtice of the Peace, ſuch Aſſiſtant or Juſtice is hereby authorized and directed to grant a Warrant for the collecting ſuch Rate or Tax: Which Warrant ſhall be directed to the Collector or Collectors appointed to collect the ſame; requiring and impowering him or them to gather and collect ſuch Rate or Tax according to the Grant thereof, made as aforeſaid.

Collectors power, &c.

And that all Collectors authorized and impowered to gather and collect any Rates or Taxes whatſoever, duly laid and aſſeſſed on any of the Inhabitants of this State or others, ſhall have full Power and Authority to collect ſuch Rates or Taxes according to ſuch lawful Warrant as ſhall be given them; and ſhall have the ſame Power and Authority to command the Aſſiſtance of any Perſon or Perſons in the Execution of their Office (when Need ſhall require) as is by Law given to Sheriffs and Conſtables in the Execution of their Offices: And all Perſons are hereby required to yield due Obedience thereunto, and immediately to afford their Aſſiſtance, on the ſame Penalties as are provided by Law for inforcing Obedience to the Command of Sheriffs and Conſtables. *Provided*, Such Collectors ſhew and read their Warrant or Authority to the Perſons whoſe Aſſiſtance is commanded.

Proviſo.

Collectors authority extended thro' the ſtate, &c.

And that all Conſtables choſen to collect the public Tax, and other Collectors of Rates, and every of them, ſhall have the ſame Power and Authority in any of the Plantations or Towns in this Government, as ſaid Officers have in their own Precincts, to gather and collect the reſpective Rates of any Perſon or Perſons whoſe Polls or Eſtate are in their Liſts; and ſhall be allowed Poſt Wages for their Travel; and alſo ſhall and may collect and gather ſuch Rates and Taxes, or what ſhall be due thereof, at any Time after their reſpective Year ſhall be up, as well as before.

Collectors dying after his year is up, &c. his executors impowered, &c.

And if it ſhall ſo happen that any ſuch Conſtable or other Collector of Rates, after his Year be up, and before he hath collected the whole of the Rates he is appointed to collect, ſhall be removed by Death, then the Executors or Adminiſtrators of ſuch deceaſed Conſtable or Collector ſhall have the ſame Power and Authority to collect any and every Part of the Rate not paid to the ſaid Conſtable or Collector in his Life Time, as the ſaid Conſtable or Collector had when alive, and ſhall be Collector in the Room of the Deceaſed for the gathering the remainder of ſuch Rate: And all

Executors and Adminiſtrators of Collectors ſhall be reſponſible for the Rates, as the Collectors by Law are.

In caſe he dies before his year is up, &c. how to be choſen.

But in Caſe any ſuch Conſtable or other Collector of Rates, die before his Year be up, and the Rate not fully collected, that then every Town and Society wherein ſuch Caſe ſhall happen, are hereby directed to proceed forthwith to the Choice of a new Conſtable or Collector, for the collecting and gathering the remaining Part of ſuch Rate.

Collectors to appoint time and place to receive rates, &c.

That the Conſtables appointed to collect the State Tax, and alſo the Collectors of Town, Society, Miniſters or other Rates, ſhall appoint Time and Place for the paying and receiving ſuch Rates as are due; and each Inhabitant ſhall have reaſonable Warning to pay his Proportion; which Warning every Man is to obſerve, and attend for the Payment of ſuch Rates or Dues; and upon Neglect thereof the ſaid Collectors ſhall be, and are hereby impowered to make Diſtreſs upon ſuch Perſon or Perſons for their Rates not paid, with *Two-pence* on the Shilling for their Trouble, and charge of Ferriage (if any be) and their lawful Fees for Travel, and all other neceſſary Charges; and that in Caſe a Diſtreſs be made and granted out for any of the Rates or Aſſeſſments aforeſaid, the Officer ſhall diſtrain Goods or Chattels, if they may be had; and if no Goods nor Chattels can be found or ſhall be tendered, the Officer may attach the real Eſtate of ſuch Perſon, to be found within his Precincts; and for want of Eſtate, being found or tendered as aforeſaid, he ſhall attach the Body, and him commit to Gaol for the payment thereof, with the Coſts and Charges ariſing thereon; there to remain until delivered by due order of Law.

If unpaid, to levy, &c.

On goods and chattels if found, if not,

On lands.

How taken and ſold.

*And be it further enacted by the Authority aforeſaid*, That when real Eſtate ſhall be taken as aforeſaid, the Officer taking the ſame ſhall proceed to ſell and diſpoſe thereof at public Auction, ſufficient for the payment of ſuch Rates or Taxes, charged againſt the Owner thereof, and to ſatisfy the legal Coſts and Fees thereon.

Proviſo.

*Provided neverthelefs*, That the Time and Place of Sale for payment of ſuch Taxes, ſhall be advertiſed by the Collector, three Weeks in ſome public News-Paper in this State, at leaſt ſix Weeks before ſuch Sale: And when ever any real Eſtate ſhall be thus ſold by Virtue of this Act, the Collector of ſuch Tax or Taxes ſhall make and give to the Purchaſer a Deed of Warrantee thereof: And if the ſaid Proprietor or Proprietors ſhall not within twelve Months next after ſuch Deed is lodged in the Town Clerk's Office, pay and ſatisfy or tender to ſuch Purchaſer the purchaſe Money together with all Coſts and Charges, and double Intereſt thereon ariſing, the ſame ſhall be recorded; and thereupon the Title become confirmed to and in ſuch Purchaſer, his Heirs and Aſſigns forever.

All real eſtates ſubjected to the payment of taxes.

*And it is further enacted by the Authority aforeſaid*, That all the real Eſtate that any one is ſeized and poſſeſſed of, in his own Right in Fee, within the State, ſhall be liable to, and ſtand chargeable with all the public Taxes due from the Owner thereof, and ſhall remain as a *Lien* thereon, until the ſame are fully paid; notwithſtanding any ſubſequent Sale or Transfer thereof, or any Attachment thereon.

All rates to be collected and paid by the time ſet.

And all Collectors of Rates ſhall collect and pay the Rates by them to be collected according to ſuch Time and Orders as ſhall be agreed upon, and determined by thoſe who grant the Rate.

Collectors neglecting their duty.

And in caſe any Collector or Collectors ſhall not perform the Truſt committed unto him or them, according to Law, he or they ſhall be accountable for ſuch Rate, or ſuch Arrears thereof, ſo by him or them neglected to be gathered, and paid as aforeſaid. And the Select-men of each Town, and the Committee of each Society or other Community, are hereby impowered to demand ſuch Arrearages of their reſpective Collectors; and on Failure of Payment, may make Application to any Aſſiſtant or Juſtice

Select-men, &c. may have warrants againſt them.

tice of the Peace for a Warrant againſt ſuch negligent Collector, as aforeſaid, agreeable to the Directions aforeſaid. And it ſhall be lawful for ſuch Aſſiſtant or Juſtice to grant out ſuch Warrant againſt the Goods, Chattels, Lands and Body of ſuch negligent Collector, in the ſame Form and to be proceeded with in executing the ſame, in the Manner as by Law is provided for the levying of Executions.

*And to prevent Diſputes that may ariſe reſpecting the Rates or Taxes ariſing and levied on Lands in Eccleſiaſtical Societies, belonging to Proprietors non-reſident in ſuch Societies, and to direct where the Payment for ſuch Lands ſhall be made:*

Taxes on non-reſidents lands, &c. where payable, &c.

*Be it further enacted by the Authority aforeſaid*, That all Taxes ariſing, and that ſhall be levied upon Land lying in any eccleſiaſtical Society in this State, belonging to any ſuch non-reſident Proprietor or Proprietors, and in the ſame Town, ſhall be paid by him or them in that Society, and for and by order of that Society only to which he or they belong, and is or are Reſident in, according to his or their Liſt in the Grand-Levy; except only where ſuch non-reſident Proprietor or Proprietors have Lands lying in ſuch other Society or Societies, and there be a tenantable Houſe or Houſes thereon, and alſo a Tenant or Tenants actually living in and upon the ſame; then and in every ſuch Caſe the Taxes ariſing on ſuch Lands in the Improvement of ſuch Tenant or Tenants, ſhall be paid in the Society or Societies where ſuch Lands lie, and Tenants live.

When lying in the ſame town and not in the ſame ſociety.

Proviſo.

*Provided neverthelefs*, That where any ſuch Society or Societies have, ever ſince their being firſt ſet off and conſtituted, ſteadily and uninterruptedly uſed and practiſed otherwiſe in paying Taxes ariſing on ſuch Lands, this Act ſhall not be underſtood to effect or prejudice ſuch a ſteady and uninterrupted Practice; but the ſame ſhall be accounted a practical Agreement, and be holden good and valid accordingly; any Thing to the contrary in this Act contained notwithſtanding.

Non-reſidents that live in other towns to pay where the land lies.

*Be it further enacted by the Authority aforeſaid*, That if ſuch non-reſident Proprietor or Proprietors live in any other Town than that in which ſuch Lands lie, he or they ſhall pay for the ſame in, and to that Society in which ſuch Lands lie; and that when ſuch Lands lie, in two or more Societies in any other Town than that in which ſuch Proprietor or Proprietors live, then and in every ſuch Caſe, he or they in their Liſt annually given in, ſhall particularly therein mention the Sort and Quantity of his or their Lands in each of ſuch Societies reſpectively, and ſhall pay therefor in ſuch reſpective Societies accordingly.

*And whereas this Aſſembly have granted, and in ſome Caſes may hereafter grant particular Taxes on the Lands lying in new Towns and Societies, for the ſpeedy and more equal Settlement of the ſame:*

For the effectual collecting of which;

Particular taxes to be paid as, &c.

*Be it further enacted by the Authority aforeſaid*, That whenſoever this Aſſembly ſhall grant a particular Tax to be levied on the Lands in any ſuch Town or Society, the ſame ſhall be demanded as other Rates or Taxes by Law ought to be: And if the Owner or Owners of ſuch Lands do not pay the Collector choſen or appointed to gather the ſame, ſuch Collector may apply to ſome Aſſiſtant or Juſtice of the Peace, who ſhall grant him a Warrant for that Purpoſe; by Force whereof ſuch Collector may proceed to levy the Tax or Taxes not paid, in the ſame Manner as Town or Society Rates and Taxes are to be levied.

Proviſo.

*Always provided*, That if any Owner of Lands ſo taxed, be or ſhall be taxed greater or more than the Tax laid by the Aſſembly, the County Court of that County wherein ſuch Lands lie, upon Complaint thereof made by ſuch Owner of Lands, may grant Relief to him againſt ſuch Collector, Town or Society, according to the Wrong they ſhall find done by ſuch Taxing or Levying; and tax Coſts to the Perſon unneceſſarily vexed thereby.

Proviſo.

*Provided alſo*, That if any Perſon or Perſons ſhall by any Town, Society or other Community, be aſſeſſed wrongfully, or more than his or their Proportion, he or they ſhall have Remedy by the County Court of the ſame County whereto he or they belong, upon Proof made thereof; any Thing in this Act to the contrary in any wiſe notwithſtanding.

Treaſurer to include in one execution as many taxes as may be.

*And be it further Enacted*, That the Treaſurer of this State, in granting Execution againſt any Collector of State Taxes, from whom Arrears of ſeveral Taxes are due, ſhall include in one Execution as many of ſuch Taxes as Circumſtances will admit, therein ſpecifying the Sum due on each, and any other Matters reſpecting the ſame that may be neceſſary for directing the Sheriff in the levy of ſuch Execution.

Collectors to keep an account of public ſecurities received for taxes.

*And be it further enacted by the Authority aforeſaid*, That in all Caſes where any State Tax hath been laid or granted by the General Aſſembly of this State, which remains unpaid, or that in future may be laid or granted, wherein Orders drawn on the Treaſurer, Soldiers Notes that are due, Certificates for the Intereſt of ſuch Notes, or for Monies loaned to this State, or any other Securities, are or may be made receivable in Payment of ſuch Taxes; it ſhall be the Duty of the reſpective Collectors of ſuch Taxes, to keep a fair Account in Writing, of all ſuch Orders, Notes, Certificates or other Securities received in Payment of ſuch Taxes, therein containing an exact ſtate of the Time when the ſame was received, the Name of the Perſon from whom, and the Sum at which the ſame were received, and lodge a Copy thereof with the Treaſurer, duly atteſted upon Oath (which Oath the Treaſurer is hereby impowered to adminiſter); and if it ſhall appear on due Examination, that any ſuch Order, Note, Certificate or other Security was received on Account of any ſuch Tax, directly or indirectly by ſuch Collector, or any other Perſon for his Benefit, at a Diſcount or lower Sum than the nominal Sum therein expreſſed, the Treaſurer is hereby directed to allow ſuch Collector on Settlement of ſuch Tax, the Sum at which he received the ſame, and no more.

And render his account under oath.

Copy of which account to be lodged with the treaſurer.

*And in order to prevent and puniſh Fraud and Extortion in Collectors of the public Taxes*;

Extortion in collectors how puniſhed

*Be it further enacted by the Authority aforeſaid*, That if the Collector of any State Tax within this State, ſhall take or receive, directly or indirectly, of any Perſon or Perſons, any Sum of Money, or any other Article of Value as a Gratuity, Reward or Commiſſion for the Payment of any Order drawn on the Treaſurer of this State by the Committee of Pay-Table, or any Note or Certificate given or Order drawn by ſaid Treaſurer or the Continental Commiſſioner of Loans, in the ſame, on ſuch Collector or Collectors, ſuch offending Collector ſhall upon Conviction thereof, forfeit and pay to the Treaſurer of the County where ſuch Offence ſhall be committed, the full Value of ſuch Order or Orders. And all Informing Officers are hereby required to make due Preſentment of all Breaches of the foregoing Paragraph of this Act.

All informing-officers to preſent, &c.

## An Act concerning Replevins.

Liberty to replevy in all caſes, except, &c.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Man ſhall have Liberty to replevy his Cattle, or other Goods and Chattels impounded, diſtrained, attached, ſeized or extended (unleſs it be upon Execution after Judgment, and in payment of Fines and Rates; or for ſome Cauſe or Matter cognizable and triable before the Admiralty and Maritime Courts) provided he put in and give good and ſufficient Security to proſecute his Replevin with Effect, and to ſatisfy and anſwer ſuch Damages, Demands and Dues as the adverſe Party ſhall by Law recover againſt him.

Proviſo.

# An Act for preventing and puniſhing Riots and Rioters.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when three Perſons or more, ſhall come or aſſemble themſelves together, to the Intent to do any unlawful Act, by Force and Violence againſt the Perſon of another; as to kill, beat, or otherways to hurt, or againſt his Poſſeſſion or Goods, as to break open or to pull down any Houſe or Fence wrongfully, or to cut or take away any Corn, Graſs, Wood or other Goods wrongfully, or to do any other unlawful Act with Force or Violence againſt the Peace, or to the manifeſt Terror of the People, and being required or commanded by any of the Civil Authority, or by any Sheriff or Deputy-Sheriff, or by any one or more of the Select-men or Conſtables of any Town where ſuch Aſſembly ſhall be, by Proclamation to be made in the Name of this State, in the Form herein after directed, ſhall not diſperſe themſelves, and peaceably depart to their Habitations or to their lawful Buſineſs; or being ſo aſſembled as aforeſaid ſhall do any unlawful Act againſt any Man's Perſon, Poſſeſſion or Goods, or againſt the public Intereſt in any Particular, in Manner as aforeſaid, and be thereof convicted by due Courſe of Law, before the County Court, or before the Superior Court, in the reſpective Counties where ſaid Offence is committed, ſhall be puniſhed by Fine, not exceeding, for each Perſon concerned therein, the Sum of *Ten Pounds*; Impriſonment, not exceeding ſix Months; or by Whipping, not exceeding forty Stripes: All or any of ſaid Puniſhments at the Diſcretion of the Court that hath Cognizance of ſuch Offences, as the Nature and Circumſtances of the Facts ſhall require.

Three perſons or more aſſembling to do an unlawful act, to be puniſhed as rioters, &c.

Fine.
Impriſonment.
At the diſcretion of the court.

That the Order and Form of the Proclamation aforementioned, ſhall be as follows, THAT IS TO SAY, The Perſons authorized by this Act ſhall among, or near as he or they can ſafely come to ſaid Rioters, with an audible Voice command, or cauſe to be commanded Silence to be whilſt Proclamation is making; and after that, ſhall openly, and with an audible Voice make, or cauſe to be made Proclamation in theſe Words, or like in Effect, viz.

Silence to be commanded.

Form.

"In the Name, and by the Authority of the State of *Connecticut*, I charge and command all Perſons aſſembled, immediately to diſperſe themſelves, and peaceably to depart to their Habitations, or to their lawful Buſineſs, upon the Pains and Penalties contained in the Act or Law of this State, entitled, *An Act for preventing and puniſhing Riots and Rioters.*"

Authority to reſort to the place where, &c.

And every Aſſiſtant, Juſtice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Conſtable within the Limits of their Juriſdictions, are hereby authorized, impowered and required, on Notice or Knowledge of any ſuch unlawful and riotous Aſſembly, to reſort to the Place where ſuch Aſſembly ſhall be, and there make, or cauſe to be made, Proclamation in Manner aforeſaid.

Perſons to diſperſe, &c. if not, to be apprehended, &c.

*Be it further enacted by the Authority aforeſaid,* That if ſuch Perſons ſo unlawfully and riotouſly aſſembled, or any three or more of them, after Proclamation made as aforeſaid, ſhall continue together, and not diſperſe themſelves, that then it ſhall and may be lawful to, and for every Aſſiſtant, Juſtice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Conſtable, where ſuch Aſſembly ſhall be, and to and for ſuch other Perſon or Perſons as ſhall be commanded to be aſſiſting unto any Aſſiſtant, Juſtice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Conſtable, who are hereby authorized and impowered to command all Perſons of Age and Ability to be aſſiſting to them therein, to ſeize and apprehend, and they are hereby required to ſeize and apprehend ſuch Perſons ſo unlawfully and riotouſly continuing together after Proclamation made as aforeſaid; and forthwith to carry the Perſons apprehended, before ſome Aſſiſtant or Juſtice of the Peace, in order to their being proceeded againſt according to Law. And

Rioters killed.

And that if any of the Perſons ſo unlawfully and riotouſly aſſembled, ſhall happen to be killed, or maimed, or hurt in diſperſing or apprehending, or in endeavouring to diſperſe or apprehend them, by Reaſon of their Reſiſting, the Perſons ſo diſperſing or endeavouring to diſperſe or apprehend them, that then every Aſſiſtant, Juſtice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Conſtable, and all and ſingular Perſons being aiding and aſſiſting to them or any of them, ſhall be freed, diſcharged and indemnified, as well againſt the Public as againſt all and every Perſon or Perſons whatever, of, for or concerning the killing, maiming or hurting of any ſuch Perſon or Perſons ſo unlawfully and riotouſly aſſembled, that ſhall happen to be ſo killed, maimed or hurt as aforeſaid.

Perſons aſſiſting in quelling the riot, indemnified.

*Provided always, And be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons do, or ſhall with Force and Arms, wilfully and knowingly oppoſe, obſtruct, or in any Manner wilfully and knowingly let, hinder, or hurt any Perſon or Perſons that ſhall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made, and be thereof convicted by due Courſe of Law, ſhall forfeit, ſuffer, or be puniſhed in Manner and Form as aforeſaid.

Proviſo.

And that alſo every ſuch Perſon or Perſons ſo being unlawfully and riotouſly aſſembled to the Number of Tree, as aforeſaid, or more, to whom Proclamation ſhould or ought to have been made, if the ſame had not been hindred as aforeſaid, ſhall likewiſe, in caſe they, or any of them to the number of Three or more, ſhall continue together, and not immediately diſperſe themſelves after ſuch Let or Hindrance ſo made, having Knowledge of ſuch Let or Hindrance ſo made, and be thereof convicted by due Courſe of Law, ſhall forfeit, ſuffer, or be puniſhed in Manner and Form as aforeſaid.

Any number not leſs than three not diſperſing, &c. to be puniſhed, &c.

*Provided always*, That no Perſon or Perſons ſhall be proſecuted by Virtue of this Act, for any Offence or Offences committed contrary to the ſame, unleſs ſuch Proſecution be commenced within twelve Months after the Offence committed.

Proviſo.

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## An Act for reſtraining, correcting, ſuppreſſing and puniſhing Rogues, Vagabonds, common Beggars, and other lewd, idle, diſſolute, profane and diſorderly Perſons; and for ſetting them to work.

*WHEREAS there are frequently divers Perſons who wander about, and are vagabond, idle, and diſſolute Perſons, begging and committing many Inſolencies; and many are guilty of profane and evil Diſcourſe, and other Diſorders, to the corruption of Manners, the promotion of Idleneſs, and the detriment of good Order and Religion.*

Preamble.

For preventing of which, and for the better Regulation of ſuch evil and diſorderly Perſons, and puniſhing ſuch Rudeneſs and Miſbehaviour:

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That in order there may be erected, built, or otherwiſe provided in each of the reſpective Counties in this State, at the Charge of the ſaid Counties reſpectively, a fit and convenient Houſe or Houſes of Correction, to be uſed and improved for the receiving, keeping, ſetting to work, and correcting of Rogues, Vagabonds, common Beggars, and other idle, diſſolute and diſorderly Perſons;—The Judge of the County Courts in each County reſpectively, by and with the Advice of ſaid Court, is hereby impowered to ſummon the Civil Authority, viz. the Aſſiſtants and Juſtices of the Peace in ſaid County, to meet at ſuch Time

Work-houſes how to be provided.

Judge of county court to ſummon the civil authority.

Time and Place in ſaid County as he ſhall appoint for that Purpoſe, or other Matters proper for them to conſider and determine: And if the major Part of the Civil Authority, ſo convened for that Purpoſe, ſhall agree upon and determine that ſuch a Houſe or Houſes ſhall be erected, built or provided, and alſo determine the Place where the ſame ſhall be fixed; in that Caſe ſaid County Courts reſpectively are hereby authorized, impowered and directed forthwith to erect, build, or otherwiſe provide, ſuch Houſe or Houſes of Correction as aforeſaid, and tranſmit to the General Aſſembly from Time to Time, an Account of their Proceedings therein, until ſuch Houſe or Houſes are finiſhed: Unleſs in any County there be ſuch a Houſe or Houſes already provided; in which Caſe the County Court of that County, are required forthwith to put the ſame in good Repair and Order, and to tranſmit the Account thereof to the General Aſſembly as aforeſaid.

Major part to determine and fix the place.

County court to proceed to build, &c.

Or put in repair.

*And the better to enable the ſaid County Courts to do the ſame;*

*Be it further enacted by the Authority aforeſaid*, That the ſaid County Courts be, and they are hereby fully authorized and impowered to aſſeſs and tax the Inhabitants of the County to which ſaid Court belongs, in ſuch Sum or Sums as the Court ſhall judge needful for the Purpoſe aforeſaid: And for the collecting ſuch Tax or Aſſeſſment, to appoint Collector or Collectors, and them to authorize and impower, by Warrant or Warrants of Diſtreſs, ſigned by the Clerk of ſaid Court, to levy and collect the ſame; which Collectors ſhall have the ſame Authority, and be under the ſame Regulations and Penalties as other Collectors by the Laws of this State, have, and are ſubject unto.

To tax the county.

*Be it further enacted by the Authority aforeſaid*, That the ſaid County Courts reſpectively, ſhall and may nominate and appoint ſome honeſt, fit Perſon to be Maſter of ſaid Houſe of Correction or Work-houſe, and alſo one or two diſcreet Perſons to be Overſeers; and the ſaid County Courts ſhall order and direct ſuch Overſeer or Overſeers (as ſoon as may be) to procure proper Materials to the amount of Fifteen Pounds, for each Work-houſe; and ſhall depoſit the ſame in ſome convenient and ſafe Place, to be uſed and improved according to ſuch Rules and Orders as ſhall from Time to Time be given by ſaid Courts reſpectively; and the ſaid County Courts are hereby authorized to draw on the State Treaſurer for the aforeſaid Sum, to enable the Overſeers to procure the Materials ſuitable to work with and upon; and ſhall from Time to Time give ſuch Orders for the regulating and governing ſuch Work-houſes, as they ſhall think proper, according to Law. And the ſaid Overſeers ſhall from Time to Time, as there may be Need, provide the neceſſary Materials for all Perſons committed thereinto, to work with and upon; for which they ſhall be paid out of the County Treaſury; and the ſame ſhall be drawn in and repaid to ſuch Treaſury according to the Direction and Proviſion herein after made.

To appoint maſters and overſeers.

To provide materials, &c

County court to draw on State treaſury, &c.

And the ſaid Overſeers ſhall from Time to Time, order and direct the Maſters of the Work-houſes, in the Government and Regulation, as well as the correcting and keeping to work the Perſons thereto committed, according to Law. Which Overſeers ſhall render their Account to the County Court, from Time to Time, and ſhall have and receive ſuch Allowance and Reward for their Services as ſaid Court ſhall judge juſt and reaſonable.

Overſeers to direct the maſter.

Allowance.

*And it is further enacted and provided*, That the County Courts of any two Counties may, and are hereby impowered to agree together to build one Houſe of Correction, if the ſame may be convenient for both Counties; and to proceed therein in ſuch Form, Manner and Proportion as they ſhall agree; and each County Court to tax their reſpective Counties as aforeſaid. Provided always, the previous Conſent of the major Part of the Civil Authority in ſaid Counties reſpectively, to build the ſame, be firſt had and given, as before directed.

Two counties may join, &c.

And

And the Authority of that County, uniting to build as aforeſaid, wherein ſuch Houſe happens not to be, ſhall have as full Power and Authority to ſend and commit any Perſon or Perſons to ſuch Houſe, as the ſaid Authority would by Law have, were the ſaid Houſe within the County to which they belong.

Rogues, &c. to be ſent to the work-houſe, &c.

*And be it further enacted by the Authority aforeſaid*, That it ſhall and may be lawful for an Aſſiſtant or Juſtice of the Peace, in the reſpective Counties, and they are hereby fully authorized and impowered to ſend all Rogues, Vagabonds, Sturdy Beggars, and other lewd, idle, diſſolute, profane and diſorderly Perſons, that have no Settlement in this State, to ſuch Work-Houſes, and order them to be kept to hard Labour, under the Rules and Regulations of ſaid Houſe, until releaſed by order of Law.

Juglers, &c.

Alſo all Perſons uſing, or pretending to uſe any ſubtil Craft, Jugling, or unlawful Games or Plays, or feigning themſelves to have Knowledge in Phyſiognomy, Palmiſtry, or pretending they can tell Deſtinies, Fortunes, or diſcover where loſt or ſtolen Goods may be found.

Pipers, &c.

Alſo common Pipers, Fiddlers, Run-aways, ſtubborn Servants or Children, common Drunkards, common Night-walkers, Pilferers, wanton and laſcivious Perſons, either in Speech or Behaviour, common Railers or Brawlers.

Profane, &c.

Alſo ſuch as are guilty of reviling and profane Speaking, or neglect their Callings, miſpend what they earn, and do not provide for themſelves, or the Support of their Families, upon due Conviction of any of the Offences or Diſorders aforeſaid.

Diſtracted, &c.

Alſo Perſons under Diſtraction, and unfit to go at large, whoſe Relations or Friends do not take Care for their ſafe Confinement.

Thieves.

*Be it further enacted by the Authority aforeſaid*, That in Addition to the Puniſhment of Theft already by Law provided, if the Conviction for Theft be before an Aſſiſtant or Juſtice of the Peace, the Perſon convicted ſhall be ſentenced, and accordingly committed by ſuch Authority to the Work-Houſe, or Houſe of Correction, there to be kept to hard Labour on the firſt Conviction, not leſs than one Month, and not exceeding three Months; on the ſecond Conviction, not leſs than one Year, and not more than three Years.

And in Caſe the Conviction for Theft ſhall be before the County Court, the Perſon convicted, ſhall, by ſaid Court, be ſentenced and committed to the Houſe of Correction, to labour as aforeſaid; for the firſt Offence, at leaſt ſix Months; and ſo for a longer Time, as ſaid Court before whom the Conviction is had, ſhall think proper and determine, having Reſpect to the Circumſtances and Aggravations of the Offence, and the Number of Convictions had.

Proviſo.

*Provided nevertheleſs*, That no Perſon convicted of Theft, ſhall on the firſt Conviction, be ſentenced or committed to the Work-Houſe, or Houſe of Correction, on that Account, unleſs the Perſon convicted be of the Age of twenty one Years, or upwards; and alſo be in the Opinion of the Court before whom the Conviction is had, a Rogue, Vagabond, common Beggar, or a lewd, idle, profane or diſorderly Perſon; any Thing in this Act in any wiſe contained notwithſtanding.

Charges for theft, how paid, &c.

*Be it further enacted by the Authority aforeſaid*, That the Charges of proſecuting Perſons for Theft, upon their Conviction before the County Court, ſhall be anſwered and paid out of the County Treaſury of that County, wherein the Proſecution and Conviction ſhall be; and that for refunding the ſame, one Half of the treble Damages recovered of the Perſon convicted, ſhall be and belong to the ſaid County Treaſury. And in Caſe the Earnings of ſuch convicted Perſon's Labour in the Work-Houſe, clear of all lawful Deductions, be not ſufficient to pay the Charge of his Proſecution, and the ſaid treble Damages, and he hath no Eſtate to ſatisfy the

ſame,

ſame, he ſhall be diſpoſed of in Service to anſwer the ſame, or the Remainder thereof, according as the Law has provided and directed in ſuch Caſes.

*Be it further enacted*, That when any Perſon ſhall be committed to any Houſe of Correction, or Work-Houſe, in Caſe he or ſhe belong not to any Town in this State, ſuitable Materials, ſuch as are neceſſary and convenient for keeping ſuch Perſons to work during their abode there, ſhall be paid for out of the State Treaſury. And in Caſe he or ſhe belong to any Town in this State, that ſuch Materials as aforeſaid, ſhall be provided at the Charge of ſaid Town; and the Select-men of the ſaid Town ſhall deliver the ſame to the Maſter of ſuch Houſe, or be accountable to him for the Charge and Expence thereof, and aſſeſs the Inhabitants for the ſame. And when any ſtubborn Children or Servants ſhall be ſent thither as aforeſaid, the aforementioned Materials ſhall be provided at the Charge of their Parents or Maſters (if able) during their abode in ſuch Work Houſe.

Materials how found & paid for.

Stubborn children.

And each Perſon committed as aforeſaid, ſhall be allowed out of their Earnings, but two thirds thereof, for their Support and making Satisfaction for the Charge expended in bringing in and furniſhing Materials; and the Overplus of ſuch Earnings, to be to the Maſter of the Houſe to account for.

Allowance.

And if ſuch Perſons are Maſters, or Heads of Families, then and in ſuch Caſe the whole Profit and Benefit of their Labours, or ſo much thereof as the County Court of that County where ſuch Perſons are committed ſhall think neceſſary, and direct, ſhall be for the relief and ſupport of their Families.

Maſters of families committed, Allowance to their families

And if any Perſon or Perſons, committed to ſaid Houſe of Correction ſhall be unable to Work, or be weak or ſick, then to be relieved by the Maſter or keeper of ſuch Houſe, who ſhall be again reimburſed what he ſhall ſo neceſſarily expend for the Relief of ſuch Perſon or Perſons, out of the public Treaſury of this State, if the Perſon belong not to any Town within the State; and if the Perſon belongs to any Town in this State, then by the Select-men of that Town: And the Select-men may aſſeſs the Inhabitants of ſuch Town to anſwer the ſame; except ſuch Perſons being weak or ſick as aforeſaid, were at the Time of their Commitment in their Minority, and under the care of Parents or Maſters; then and in every ſuch Caſe the Parents or Maſters of ſuch Perſons ſhall reimburſe what neceſſary Charges the Maſter or Keeper of ſuch Houſe of Correction ſhall neceſſarily expend for their Relief.

Unable to work how relieved.

*Be it further enacted by the Authority aforeſaid*, That the Maſter or Keeper of each Houſe of Correction, ſhall be allowed for his Care, Labour and Service, in looking after thoſe committed to his Care, and for relieving them who ſhall happen to be ſick or weak, ſuch reſonable Satisfaction, to be made by the County, Select-men, Parents or Maſters, as the County Court ſhall direct and appoint, if the Earnings of ſuch Perſon or Perſons ſhall not be ſufficient to diſcharge the ſame, over and above what is allowed them out of their Earnings, for their Relief.

Allowance to the maſter.

And the Maſter or Keeper ſhall keep an exact Account of all Profits and Earnings that ſhall be made by the Labour of thoſe under his Cuſtody, from time to Time, and preſent the ſame (upon Oath if required) unto the County Court in ſuch County; out of which Earnings the ſaid Maſter or Keeper of ſuch Houſe ſhall have his Allowance; and alſo a Compenſation to ſaid Overſeer or Overſeers for their Trouble as aforeſaid, as ſaid Court ſhall think proper and order; and until the Earnings as aforeſaid, ſhall produce a ſufficiency for ſaid Purpoſe, what is wanting ſhall be made up out of the County Treaſury, to be refunded out of the Overplus of the after Earnings.

Maſter to keep account &c.

And the Maſter or Keeper of ſuch Houſe that ſhall refuſe to account as aforeſaid, or ſhall otherwiſe be negligent of his Duty required by this Act, ſhall be liable to ſuch Fine or Puniſhment as ſaid County Court ſhall order and direct.

Penalty for neglect.

Maſters duty

*Be it further Enacted*, That the Maſters or Keepers of ſuch Houſes of Correction reſpectively, ſhall receive all ſuch Perſons as ſhall be ſent there as aforeſaid, and ſhall keep them to ſuch Labour as they are capable of and able to perform, for ſuch Time as they ſhall be ordered to continue and remain in ſuch Houſe; and puniſh them (if need be) by putting Fetters or Shackles upon them, and by moderate Whipping, not exceeding ten Stripes at one Time; which (unleſs the Warrant of Commitment do otherwiſe direct) ſhall be inflicted at their firſt Entrance, and from Time to Time, in Caſe they be ſtubborn, diſorderly or idle, and do not perform their Taſk, and that in good Condition, according as they ſhall be reaſonably ſtinted; or elſe may abridge them of their Food, as the Cauſe ſhall require, until they be reduced to better Order and Obedience: Said Maſters however, from Time to Time taking and obſerving ſuch Orders and Directions as the Overſeer or Overſeers ſhall give therein.

To ſhackle, puniſh, &c.

Abſconding, to be corrected on being returned, &c.

*And be it further Enacted*, That if any Perſon or Perſons, committed to ſaid Houſe of Correction, ſhall unlawfully abſcond, or make his Eſcape therefrom, or depart without the Licence of the Maſter of ſaid Houſe, they ſhall on being returned to ſaid Houſe again, be corrected by Whipping on the naked Body, not exceeding thirty Stripes for one Offence; and ſo *toties quoties*: Which Corrections the Maſter ſhall be careful to ſee duly performed.

Gaols to be work-houſes until, &c.

*And be it further enacted by the Authority aforeſaid*, That the ſeveral Gaols in the reſpective Counties, ſhall be, and they are hereby made to be Work-Houſes, or Houſes of Correction; to be uſed and improved according to the Directions and Orders before in this Act reſpecting Houſes of Correction and the Government thereof, until there ſhall be ſuch Houſe or Houſes of Correction built, as aforeſaid.

Gaol keepers to be maſters &c.

Perſons ordered to work-houſe to be ſent to gaol until, &c

And the Keeper of the Gaols for the Time being, or ſuch as they reſpectively ſhall appoint, ſhall be the Maſters or Keepers of ſuch Gaols, as Houſes of Correction, and ſhall have the ſame Authority and be under the ſame Regulations as is before in this Act given and provided reſpecting Houſes of Correction. And all Perſons ordered to be ſent to a Houſe of Correction according to this Act, ſhall be ſent to and received into ſuch Gaols, and there be kept, taken Care of, and governed according to the Directions of this Act until ſuch Houſe or Houſes ſhall be provided as aforeſaid; any Thing before in this Act notwithſtanding.

## An Act for laying and collecting Duties on the Importation of Rum.

Duty of 2d. per gallon on all rum imported.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That all Maſters of Veſſels, or other Perſons importing any Rum into this State, ſhall pay to ſome Naval Officer, for the uſe of this State, *Two-pence* per Gallon for every Gallon of Rum by ſuch Maſter or other Perſon imported as aforeſaid.

Waſtage allowed.

And all ſuch Maſters or Importers of Rum as aforeſaid, ſhall be allowed for Waſtage five *per Cent.* for Rum imported directly from the *Weſt-Indies* and two *per Cent.* for Rum imported from the neighbouring States. And whenſoever it ſhall happen that the ſaid Maſter or Importer ſhall not have the ready Money to pay the Duties aforeſaid, he ſhall become bound to the Treaſurer of this State, in a Bond double the Amount of ſaid Duties, conditioned for the Payment of ſaid Duty with Intereſt, in two Months then next coming.

Bond to be given for the duties, &c.

Rum forfeited in caſe the duties are unpaid.

*Be it further enacted by the Authority aforeſaid*, That all Rum as ſhall be imported or brought into this State, and landed or offered to Sale in any of the Roads, Harbours, Creeks or Rivers thereunto belonging, without firſt paying or ſecuring the Duty as aforeſaid, ſhall be forfeited, the one Half to the

the Informer that ſhall proſecute to Effect, and the other Half to the State Treaſurer, for the Uſe of this State.

And whenſoever any Perſon ſhall inform any Aſſiſtant or Juſtice of the Peace, of the Breach of this Order, he ſhall forthwith grant a Writ to the Sheriff or Conſtable, commanding them to make diligent Search for the ſame, with Power (if need be) to break open any Houſe, Veſſel, Ware-houſe or Store, to make Search in any ſuſpected Place, and to ſeize the ſaid Rum, and ſecure the ſame till the next County Court in the County where it ſhall be taken; who ſhall declare the ſame to be forfeited, and diſpoſe thereof for the Uſe aforeſaid: Unleſs the Owners thereof ſhall produce a Certificate from the Naval-Officer, that the Duty laid by this Act has been actually paid for the ſame, according to the true Intent and Meaning thereof; and make Oath that the Rum for which the Certificate is produced, is the very Rum for which the Duty has been paid; or otherwiſe ſhew to the Satisfaction of the Court, that the Duties laid by this Act have been truly paid.

Search-warrant to break open houſes, &c.

*And for the more effectual collecting the ſaid Duty;*

*Be it further enacted by the Authority aforeſaid*, That all Maſters of Ships and other Veſſels, as well open Boats as others, coming into any Harbour, Port, Creek or River within this State, from beyond Sea, or from any other Place out of this State, ſhall make Report to ſome Naval-Officer of this State, of the Contents of the Loading of ſuch Ship or Veſſel; which Report ſuch Maſter ſhall give in to the Naval-Officer under his Hand; and ſhall therein ſet down and expreſs the Quantity of Hogſheads, Tierces, Barrels or other Caſk of Rum loaden on Board ſuch Ship or Veſſel, with the Marks and Numbers thereof, and to whom the ſame is conſigned: And alſo make Oath thereunto in the following Manner:

Maſters to make report in 24 hours after arrival, &c.

To make oath

*YOU A. B. ſwear that the Report or Manifeſt of the Contents of your Loading, by you produced under your Hand, contains a juſt and true Account, to the beſt of your Knowledge, of the whole Loading taken on Board and imported in your Veſſel, from the Port or Ports ſaid Veſſel came from; and that you have not broken Bulk, nor delivered any of the Rum loaden on ſaid Veſſel, directly or indirectly; and that if you ſhall know of any more Rum to be imported therein, before the Landing thereof, you will cauſe it to be added to your Manifeſt.*

So help you GOD.

Form of the oath.

Which Oath the ſaid Naval-Officer is hereby impowered to adminiſter; after which ſuch Maſter may unload, and not before, on pain of forfeiting the Sum of *Fifty Pounds*, to be paid by each Maſter that ſhall neglect his Duty in this Behalf.

To be adminiſtred by the naval-officer.

*Be it further enacted by the Authority aforeſaid*, That no Rum ſhall be landed on any Wharf, or in any Ware-houſe or other Place, but in the Day time only, and that after Sunriſe, and before Sunſet; unleſs in the Preſence or with the Conſent and Permiſſion of the Naval-Officer to whom the Duty is payable, on pain of forfeiting all ſuch Rum, and the Lighter, Boat or Veſſel out of which the ſame ſhall be landed, or put into any Ware-houſe or other Place.

No rum to be landed but in the day time, unleſs.

And if any Perſon or Perſons ſhall not have, and produce, an Invoice of the Number of Gallons of Rum, by him or them imported, or to him or them conſigned, and make Oath to the ſame, as is before in this Act provided, then the Caſk wherein the ſame is, ſhall be gauged at the Charge of the Importer, that the Quantity thereof may be truly known.

Invoice to be produced, &c

That the Maſter of any Ship or other Veſſel, importing any Rum, ſhall be liable to, and ſhall pay the Duty for ſuch, and ſo much thereof contained in his Manifeſt as ſhall not be duly entered, nor the Duty paid for the ſame by the Perſon or Perſons to whom ſuch Rum is or ſhall be conſigned.

Maſters liable for the duties.

And it ſhall and may be lawful for the Maſter of any Ship or Veſſel, to ſecure and detain in his Hands, at the Owner's Riſque, all ſuch Rum im-

How to ſecure themſelves.

ported in ſuch Ship or Veſſel, until he ſhall receive a Certificate from the Naval Officer to whom he delivered his Manifeſt, that the Duty for the ſame is paid, and until he be repaid his neceſſary Charges in ſecuring the ſame, or ſuch Maſter may deliver ſuch Rum, as is not entred as aforeſaid, unto the Naval Officer in ſuch Port, or his Order; who is hereby impowered and directed to receive and keep the ſame, at the Owner's Riſque, until the Impoſt thereof, with the Charges, be paid, and then to deliver ſuch Rum as ſuch Maſter ſhall direct.

Naval officer to ſue, &c.

*Be it further enacted by the Authority aforeſaid*, That the Naval Officer or receiver of the Duty, or Impoſt, in each Port, ſhall be, and is hereby impowered to ſue the Maſter of any Ship or Veſſel, for the Impoſt or Duty, for ſo much of the Rum, imported therein according to the Manifeſt by him given upon Oath, as aforeſaid, as ſhall remain not entred, and the Duty or Impoſt thereof not paid by the Perſon to whom it is conſigned as aforeſaid.

Veſſel liable, &c.

And that the Ship or Veſſel, with her Tackle and Appurtenances, the Maſter of which ſhall make Default in any Thing by this Act required to be performed by him, ſhall be liable to make good the Sum or Sums forfeited by ſuch Maſter, according to this Act, for any ſuch Default; as alſo to make good the Impoſt or Duty for any ſuch Rum, not entered as aforeſaid: And upon Judgment againſt ſuch Maſter, the ſaid Ship or Veſſel, or ſo much of the Tackle or Appurtenances thereof as ſhall be ſufficient to ſatisfy ſaid Judgment, may be taken in Execution for the ſame.

Naval officer to make ſeizure, &c.

And the Naval Officer or Receiver of the Impoſt is hereby impowered to make Seizure of ſuch Ship or Veſſel, and detain the ſame under Seizure until Judgment be given in any Suit to be commenced and proſecuted for any of the ſaid Forfeitures, or Impoſt, to the Intent that if Judgment be rendered for the Proſecutor or Informer, ſuch Ship or Veſſel, and Appurtenances may be expoſed for ſatisfaction thereof, as is before provided; unleſs the Owners, or ſome on their behalf, for the releaſing of ſuch Ship or Veſſel from under Seizure or Reſtraint, ſhall give ſufficient Security to the Naval Officer that ſeized the ſame, to reſpond and ſatisfy the Sum or Value of the Forfeiture and Duties, with Charges, that ſhall be recovered againſt the Maſter thereof, upon ſuit to be brought for the ſame as aforeſaid.

Owner to ſue the maſter, &c

And the Maſter occaſioning ſuch Loſs and Damage unto his Owners through his Default or Neglect, ſhall be liable unto their Action for the ſame.

Bills of ſtore to be allow'd.

And the Naval Officers, or Receivers of the Impoſt, in the ſeveral Ports of this State, are hereby impowered to allow Bills of Store to the Maſter of any Ship or Veſſel, importing any Rum for ſuch private Adventures as ſhall *Bona Fide*, belong to the Maſter, or Seamen of ſuch Ship, or other Veſſel, at the Diſcretion of the ſaid Naval Officer; not exceeding *two per Cent.* of the Loading: And the Duties payable for ſuch Rum in ſuch Bill of Store mentioned and expreſſed ſhall be abated.

And the Naval Officers ſhall be allowed *five per Cent.* on all Monies they ſhall collect and pay in to the Treaſury of this State, on Account of the Duties collected by them by Virtue of this Act.

Forfeitures how diſpoſed of.

*And be it further enacted by the Authority aforeſaid*, That all Penalties and Forfeitures accruing, or ariſing by Virtue of this Act, ſhall be one Half to the Treaſurer of this State for the Uſe of the State; and the other Half to him or them who ſhall ſeize, inform and ſue for the ſame, by Action, Bill, Plaint, or Information, in any Court of Record: The whole Charge of Proſecution to be taken out of the Half belonging to the Informer.

Who to proſecute, &c.

And all Naval Officers, Sheriffs, Conſtables, and Grand-jurors, are hereby ſtrictly charged to make diligent Enquiry after, and make true Information of all Breaches of this Act.

## An Act for the due Obſervation of the Sabbath or Lord's-Day.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all and every Perſon and Perſons in this State ſhall, and they are hereby required, on the Lord's-Day carefully to apply themſelves to duties of Religion and Piety, publicly and privately: And whatſoever Perſon ſhall not duly attend the public Worſhip of God on the Lord's-Day in ſome Congregation allowed by Law, provided there be any on which he can conſcientiouſly and conveniently attend, unleſs hindred by Sickneſs, or otherwiſe neceſſarily prevented, ſhall for every ſuch Offence, pay a Fine of *Three Shillings*, and being preſented to Authority ſhall be deemed guilty thereof, if ſuch Perſon ſhall not be able to prove to the ſatisfaction of ſuch Authority, that he or ſhe has attended the ſaid Worſhip.

All perſons to apply themſelves on the ſabbath to duties of religion, and to attend public worſhip.

Proviſo.

That no Perſon or Perſons whatever ſhall keep open his or her Shop, Ware-houſe or Work-houſe; nor ſhall upon Land or Water, do any Manner of ſecular Buſineſs, Work or Labour, (works of Neceſſity and Mercy excepted) nor be preſent at any Concert of Muſic, Dancing, or any public Diverſion, Shew, or Entertainment, nor uſe any Sport, Game, Play or Recreation on the Lord's-Day, or any Part thereof, upon Penalty that every Perſon ſo offending ſhall pay a Fine not exceeding *Twenty Shillings*, nor leſs than *Ten Shillings*.

No ſecular buſineſs to be done, nor diverſion,

On penalty.

That no Traveller, Drover, Waggoner, Teamſter or any of their Servants ſhall travel on the Lord's-Day (except from Neceſſity or Charity) on Penalty of forfeiting a Sum not exceeding *Twenty Shillings*, nor leſs than *Ten Shillings*.

Not to travel.

And that no Perſons ſhall convene and meet together in Company of Companies in the Streets or elſewhere, nor go from his or her Place of Abode on the Lord's-Day, unleſs to attend upon the public Worſhip of God, or ſome work of Neceſſity or Mercy, on Penalty of *Five Shillings*.

Not to convene in companies in the ſtreets, &c.

That no Innholder or other Perſon keeping any public Houſe of Entertainment, ſhall entertain, or ſuffer any of the Inhabitants of the reſpective Towns where they dwell, or others, not being Strangers or Lodgers in ſuch Houſes, to abide or remain in their Houſes, or any of the Dependencies thereof, drinking or idly ſpending their Time on Saturday Night after ſunſet, or on the Lord's-Day, or on the Evening following, upon the Penalty of *Five Shillings*; and alſo every Perſon that ſhall be found there ſo ſpending his Time or Drinking, ſhall forfeit the Sum of *Five Shillings*.

Not to frequent taverns &c.

*Provided*, That all Preſentments or Informations againſt any Perſon or Perſons for any of the foremention'd Offences, be made within one Month after the Commiſſion thereof.

Proviſo.

That no Warning or Notification of any Meeting or Buſineſs of a ſecular Nature, ſhall be ſet up or fixed on the Door or other Part of any Meeting-Houſe for public Worſhip, ſo as to remain there on the Lord's-Day, or any Faſt or Thankſgiving-Day, on Penalty of *Five Shillings*, to be paid by the Perſon who ſhall have ſet up the ſame, or ordered it to be ſet up.

Notifications of ſecular affairs not to be ſet on meeting-houſe doors, &c.

And it ſhall be the Duty of the Grand-jurors, Conſtables and Tything-men in ſuch Town, to pull down and deſtroy the ſame.

Duty of grand-jurymen, &c.

That no Veſſel ſhall unneceſſarily depart out of any Harbour or Port, Creek or River, within this State, on the Lord's-Day, or ſail or paſs by any Town or Society on *Connecticut*-River, where the public Worſhip of God is maintained, nor weigh Anchor within two Miles of ſuch Place, unleſs to come nearer thereto, on the Lord's-Day, any Time between the Morning-light and the Setting-ſun, on Penalty that the Maſter of every ſuch Veſſel ſhall, for every ſuch Offence, forfeit *Thirty Shillings*.

No veſſel to ſail, &c. unleſs, &c.

That if any Perſon or Perſons, either on the Lord's-Day, or any other

Time;

Penalty for disturbing public worship.

Time, shall wilfully interrupt or disturb any Assembly of People met for the public Worship of God, within the Place of their assembling, or out of it; each Person so offending shall pay a Fine not exceeding *Ten Pounds*, nor less than *Twenty Shillings*.

Indecent behaviour how punished.

And any Person who shall behave rudely or indecently, within the House where any Congregation are met for public Worship, shall pay a Fine not exceeding *Forty Shillings*, nor less than *Five Shillings*.

No civil process allowed.

And if any civil Process shall be issued or served on the Lord's-Day, it shall be void and of no Effect: And the Officer who shall serve the same on said Day, shall pay a Fine of *Ten Shillings*, and all Damage that shall accrue to any Person thereby.

Tythingmen

*And be it further enacted by the Authority aforesaid*, That each Town in this State, at their annual Meeting in *December*, shall chuse two or more Tithingmen, in each Society for Divine Worship in such Town, who shall be sworn to a faithful Discharge of the Office.

Grand-jurors

That the Grand jury-men, Constables and Tithing-men of each Town, shall carefully inspect the Behaviour of all Persons on the Sabbath or Lord's-Day; and especially between the Meetings for divine Worship on said Day, whether in the Place of such public Worship or elsewhere; and due Presentment make of any profanation of the worship of God on the Lord's-day, or any Day of public Fast or Thanksgiving; and of every Breach of Sabbath which they, or any of them shall see or discover any Person to be guilty of, to the next Assistant or Justice of the Peace, who is hereby impowered to proceed therein as the nature of the Offence requires.

Their allowance.

That every Grand-jury-man, Tithing-man, or Constable shall be allowed *Two Shillings per Diem*, for each Day he spends in prosecuting such Offenders, to be paid by the Person offending, or the Parent, Guardian, or Master of such Person when under Age: And all Fines imposed for the breach of this Act on Minors, shall be paid by their Parents, Guardians, or Masters, if any be, otherwise such Minor to be disposed of in Service to answer the same. And upon refusal or neglect of paying such Fines and Costs, the Offender may be committed; unless he be a Minor, in which Case Execution for the Fine and Cost shall be issued against his Parent, Guardian or Master, after the Expiration of one Month next after the Conviction of such Minor, and not sooner.

Persons refusing to pay charge to be committed.

Proviso.

Provided, No Person prosecuted on this Act, shall be charged with more than for one Person prosecuting him for such Offence.

Neglecting to pay fine to be whipt.

That whatsoever Person shall be convicted of any Profanation of the Lord's-Day, or of any Disturbance of any Congregation allowed for the Worship of God, during the Time of their assembling for, or attending on such Worship, and shall, being fined for such Offence, neglect or refuse to pay the same, or to present Estate for that Purpose; the Court, Assistant or Justice before whom Conviction is had, may Sentence such Offender to be whipt, not exceeding twenty Stripes; respect being had to the Nature and Aggravation of the Offence.

No appeal.

That no Person convicted of any Offence mentioned in this Act, shall be allowed any Appeal.

Children, &c to be corrected by their parents, &c. or.

But if any Children or Servants under the Age of fourteen Years, shall be convicted of such Profanation or Disturbance, they shall be punished therefor by their Parents, Guardians or Masters giving them due Correction in the Presence of some Officer, if the Authority so appoint, and in no other way; and if such Parent, Guardian or Master shall refuse or neglect to give such due Correction, that every such Parent, Guardian or Master shall incur the Penalty of *Three Shillings*.

Assistant and Justices upon view to apprehend, &c.

*And be it further enacted by the Authority aforesaid*, That every Assistant in this State, and every Justice of the Peace, within the Limits of their Authority, are hereby impowered and directed, when they shall have plain View

or

or perſonal Knowledge thereof, either with or without a written Warrant, to cauſe all Perſons unneceſſarily travelling on the Sabbath or Lord's-Day to be apprehended, and to examine them, and if need be to command any Perſon or Perſons to ſeize, arreſt, and ſecure any ſuch Perſon unneceſſarily travelling on the Lord's-Day, as aforeſaid, and them to hold till Judgment may be had thereon.

Conſtables, &c.

And every Sheriff, Conſtable, Grand-jury-man, and Tything-man, are hereby impowered and directed, without Warrant, to apprehend and carry before the next Aſſiſtant or Juſtice of the Peace, all Perſons tranſgreſſing ſaid Law, as aforeſaid. Provided they be taken upon Sight, or preſent Information of others, and to command all neceſſary Aſſiſtance therefor.

Proviſo.

*And it is further enacted by the Authority aforeſaid*, That every Perſon or Perſons that ſhall refuſe to obey the command of any Aſſiſtant, Juſtice of the Peace, Sheriff, Conſtable, Grand-jury-man or Tithing-man, or neglecting to afford his utmoſt Aſſiſtance to apprehend and ſecure any Perſon tranſgreſſing ſaid Act as aforeſaid, ſhall be, and hereby are ſubjected to the ſame Pains and Penalties as by Law Perſons are ſubjected to for refuſing to aſſiſt Sheriffs and Conſtables in the Execution of their Office.

Penalty for ſuch as diſobey to aſſiſt, &c.

*And it is further enacted by the Authority aforeſaid*, That when any Sheriff, Conſtable, or indifferent Perſon ſhall receive any Warrant from lawful Authority to apprehend any Perſon for tranſgreſſing ſaid Law, as aforeſaid, they are hereby impowered and directed to purſue and apprehend ſuch Perſon or Perſons, any where within the limits of the Authority of the Officer granting ſuch Warrant: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Sheriff, &c. to purſue, &c.

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## An Act for appointing, encouraging, and ſupporting Schools.

Every ſociety of 70 families to keep ſchool 11 month in a year at leaſt

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Town within this State wherein there is but one Eccleſiaſtical Society, and wherein there are ſeventy Houſholders, or Families, or upwards; and every Eccleſiaſtical Society conſtituted, or that ſhall be conſtituted by the General Aſſembly of this State, wherein there are the Number of ſeventy Houſholders or Families, or upwards, ſhall be at leaſt eleven Months in each Year conſtantly provided with, and ſhall keep and maintain one good and ſufficient School for the teaching and inſtructing of Youth and Children to read and write; which School ſhall be ſteadily ſupplied with and kept by a Maſter ſufficient and ſuitably qualified for that Service.

Under that number, half a year.

And every ſuch Town and Society wherein there is not the ſaid Number of ſeventy Houſholders or Families, ſhall be provided with, and maintain a School, and a School-Maſter, as aforeſaid, for the Purpoſe aforeſaid, at leaſt one Half of the Year annually.

Grammar ſchool to be kept in each county town.

And alſo there ſhall be a Grammar School ſet up, kept and conſtantly maintained in every head or County Town of the ſeveral Counties that are, or ſhall be made in this State; which ſhall be ſteadily kept by ſome diſcreet Perſon of good Converſation, and well ſkilled in and acquainted with the learned Languages, eſpecially Greek and Latin.

Committees appointed.

And every ſuch Town and Society are hereby impowered to appoint Committees for ſuch Schools reſpectively, to take Care and ſee the ſame kept accordingly.

*And for the Encouragement and Maintenance of ſuch Schools and School-Maſters,*

*Be it further enacted by the Authority aforeſaid*, That the Treaſurer of this State ſhall annually deliver the Sum of *forty ſhillings* upon every *thouſand Pounds*

School-masters how maintained.

*Pounds* in the Lists of the respective Towns in this State, and proportionably for lesser Sums, out of the Rate of each Town, as the same shall be brought into the public Treasury by the several Constables, in such Money, or Bills of Public Credit, as the Rate shall be paid in; out of which the same is to be taken, unto the School Committees; or for want of such Committees, to the Select-men of said Towns respectively, to be by them distributed to the several Societies in each Town for the Benefit of their respective Schools, in Proportion to the Lists in said Society.

Proviso.

*Provided*, The said School-Committees or Select-men shall deliver their Certificates, that there hath been a School kept in each of the Towns and Societies they desire to take the Money out for, in the preceding Year, according to this Act.

Preamble.

*And whereas the several Towns and Societies in this State, which made and computed Lists of their Polls and rateable Estate in the Year of Our Lord* One Thousand seven Hundred and Thirty-two; *by Virtue of an Act of this Court made in* May, One Thousand seven Hundred and Thirty-three, *received their Committees respectively, for that Purpose appointed, considerable Monies or Bills of public Credit, raised by the Sale of certain Townships laid out in the western Lands, then so called, (for which Receipts were given and lodged in the Secretary's Office) to be let out, and the Interest thereof used for the Support of the respective Schools aforesaid, for ever, and to no other Use.*

Preamble.

*And whereas certain Sums of Money have likewise been received by the several Towns and Societies in this State, by Virtue of an Act of this Court, made in* October, One Thousand seven Hundred and Seventy-four, *directing the Treasurer to pay out of the public Treasury to the several Towns the principal Sums paid in by them as Excise Money, together with the Interest due at the Time of Payment, taking a Receipt therefor, appropriating the same, solely for the Use of the respective Schools.*

School money misapplied, forfeited.

*Be it therefore enacted by the Authority aforesaid*, That if at any Time after the Receipt of said Monies aforesaid, or if at any Time hereafter, the said Monies, or Interest thereof, hath been or shall be, by order of such Town or Society, or the Committees chosen by them, put to, or employed for any other Use than for the support of a School, as aforesaid, such Sum of Money received as aforesaid, shall be returned into the State Treasury; and the Treasurer of this State, upon Refusal thereof, shall recover the same Sum or Sums of such Town or Society, for the Use of the State.

And such Town or Society that misapplies such Money, shall forever lose the Benefit thereof.

Further provision made.

That where, in any Town or Society, there is not a sufficiency of Money or Interest provided, in the Manner aforesaid, or by charitable Donations, Sequestrations, or any other Ways procured for the maintenance of a School as aforesaid, therein, and a suitable School-Master to keep the same, a sufficient Maintenance shall be made up, the one Half by the Inhabitants of such Town or Society, and the other Half thereof by the Parents or Masters of the Youth or Children that go to such School; unless any Town or Society shall agree otherwise; which they are hereby impowered to do.

Towns and Societies may tax, &c.

And every such Town and Society by their Vote, shall have full Power to grant Rates for the support of such School, and choose a Collector to gather and collect such Rates. And what such Town or Society shall agree upon and enact respecting the Encouragement and Support of the School aforesaid, among themselves, shall be obligatory upon the whole Town or Society and every Member therein.

To divide into districts.

*And be it further enacted and provided*, That each Town and Society, shall have full Power and Authority to divide themselves into proper and necessary Districts for keeping their Schools, and to alter and regulate the same from

from Time to Time, as they ſhall have Occaſion; which Diſtricts ſo made, ſhall draw their equal Proportion of all the public Monies appropriated for the ſupport of Schools, belonging to ſuch reſpective Towns or Societies, according to the Liſt of each reſpective Diſtrict therein.

*And that the good Ends propoſed in erecting and keeping Schools, may not be defeated*;

*Be it further enacted by the Authority aforeſaid*, That the Civil Authority, together with the Select-men in every Town, or the major Part of them, ſhall inſpect, and they are hereby impowered and directed, as Viſitors, to viſit and inſpect the ſtate of all ſuch Schools as are by this Act appointed to be kept within ſaid Towns, from Time to Time, and particularly once each quarter of a Year, at ſuch Time as they ſhall think proper, and enquire concerning the Time ſuch Schools, are kept, and into the Qualifications of the Maſters of ſuch Schools, together with the Proficiency of the Children under their Care: And they are to give ſuch Directions as they ſhall find needful, to render ſuch Schools moſt ſerviceable for the increaſe of Knowledge, Religion and good Manners: And if the ſaid Inſpectors or Viſitors obſerve any ſuch Diſorders or Miſapplication of public Money, allowed for the ſupport of ſuch Schools, as will be likely to defeat the good Ends propoſed, they ſhall lay the ſame before this Aſſembly, that proper Orders therein may be given.

Civil Authority & Select-men Inſpectors.

*And that all Eſtates and Intereſts, granted and ſequeſtered for the Support of the Schools in this State, may be truly and properly improved for that Purpoſe*;

*Be it further enacted by the Authority aforeſaid*, That the Select-men of ſuch Towns wherein there is but one Eccleſiaſtical Society, and the Society Committee of ſuch Societies where there are more than One in any Town, (for the time being) or a Committee by ſuch Town or Society for that Purpoſe appointed, (which Committee ſuch Town and Society are hereby impowered to appoint) ſhall be, and they are hereby impowered and directed to take care of, and improve ſuch Bonds and Monies as have been divided and ſet out to ſuch Town or Society, out of the Monies raiſed by the Sale of the ſaid Townſhips, or otherways, and to receive ſuch as ſhall hereafter be provided to them, for the Purpoſe aforeſaid, giving Receipts therefor, to be lodged in the Secretary's Office; and of their Improvement thereof, ſhall from Time to Time be accountable to the Town or Society, by whom they are or ſhall be appointed: And ſuch Town and Society ſhall be accountable for the ſame before this Aſſembly, when thereto required, and be liable to be dealt with for their Miſuſe of the ſame, according to the Declaration before in this Act made.

Select-men & committees to take care of the ſchool monies.

And ſuch Select-men, and Committee or Committees, are hereby authorized and impowered to take and receive into their Care and Cuſtody, all other Eſtates, Lands, and Intereſts that have been given, granted, ſequeſtered or do belong to ſuch Schools, or that ſhall hereafter belong thereto, for the ſupport thereof; and ſhall uſe, improve, and diſpoſe of the Intereſt, Increaſe, Profit or Rent ariſing or coming upon any ſuch Monies, Lands or Intereſts, according to the true Intent of ſuch Gift, Grant or Sequeſtration, for the Purpoſe aforeſaid; which ſhall be diſpoſed of either to the School-Maſter, or to a Committee of the School, to be by them improved for the ſupport of the School.

Alſo real eſtates, &c. To leaſe, &c.

*And that the ſaid Select-men, Committee or Committees may be the better enabled to do ſaid Service*;

*Be it further enacted by the Authority aforeſaid*, That they, the ſaid Select-men, Committee or Committees, or the major Part of them, ſhall be, and they are hereby authorized and impowered to leaſe all ſuch Lands and real Eſtates, and loan ſuch Monies as do or ſhall appertain to ſuch Schools, and is ſhall be given for the Uſe aforeſaid; and to commence and proſecute ſuch Actions or Suits as may be neceſſary for the Recovery and obtaining ſuch Lands,

Monies and other Eſtates; and to take Leaſes, Bonds, or other Securities to themſelves and their Succeſſors, for the uſe of ſuch Schools: Which Leaſes, Bonds, or other Securities the ſaid Select-men, Committee, or Committees who take the ſame, ſhall have Power to ſue and recover thereon: And in caſe of the Removal of them, or any of them, by Death or otherwiſe, their Succeſſors in that Office or Offices, ſhall have as full Power in the Matters aforeſaid, to proſecute in their own Names, as thoſe whom they ſucceed as aforeſaid, might or could do, if they had not been removed as aforeſaid; which Bonds, Leaſes and Securities ſhall, by ſaid Select-men and Committee be lodged with the Clerk of ſuch Town or Society, who is directed and required to keep an Account thereof, and hold the ſame under the Direction of the ſaid Select-men and Committees, for the Purpoſe aforeſaid; and ſuch Select men and Committees ſhall render their Accounts of their Uſe and Improvements of ſuch Eſtate and Intereſt, unto ſuch Town and Society by whom they are appointed, when thereunto required.

On removal of committee others to be choſen.

*Provided neverthelefs*, That this Act ſhall not extend to any Eſtate formerly granted by any particular Perſon for the Benefit of any School or Schools in any particular Town or Society; nor to Grants of any Intereſt formerly made by any Perſon to any Town or Society for the ſupport of Schools wherein the Grantor hath committed the Care and Improvement of ſuch Eſtate by him given, to particular Perſons, with particular Direction for a continual Succeſſion in ſaid Truſt; or where the General Aſſembly hath formerly interpoſed and committed the diſpoſition of the Profits of ſuch Eſtates to a Committee in a continual Succeſſion; any Thing contained in this Act to the contrary notwithſtanding.

Proviſo.

## An Act relating to the Secretary's Office and Duty.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Secretary of the State for the Time being, ſhall have the keeping and cuſtody of the Records and other public Papers that contain the Acts, Orders, Grants and Doings of the General Aſſembly; and that have Relation to ſuch Matters and Affairs as are of general Concern, and are to be recorded or kept in his Office. And ſhall record all Acts, Orders, Grants and Reſolves made by the General Aſſembly, and give true Copies thereof when reaſonably thereunto required: And ſhall within twenty Days after the End of every Seſſion of the General Court, publiſh in Writing, under the common Seal of the State, ſuch Acts, Laws, and Orders of public Concernment, as ſhall from Time to Time be made by the General Court, and then ſend the ſame to the Printer to the State of *Connecticut* for the Time being, in Order to the Printing the ſame to be diſperſed among the People of this State for their better Knowledge thereof.

Secretary to keep State records, to record acts, &c. and give copies, &c.

In 20 days, &c. to publiſh the laws, and ſend copy to the printer.

And alſo the Secretary ſhall be the Keeper of the Seal of this State, and ſhall affix it to ſuch Laws, Acts, Orders, Commiſſions, Inſtruments, and Certificates as he is, or ſhall by Law be ordered to do, or ſhall be deſired by particular Perſons that have ſpecial Occaſion for the ſame.

Keeper of the State ſeal.

## An Act to enable Select-men to aſſeſs the Inhabitants of the Town in ſome Caſes.

*WHEREAS the Laws of this State do oblige the Select-men of each Town within the ſame, (at the Charge of the Town) to provide, do and perform various Articles, Matters and Things:*

Wherefore, to enable them thereto,

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Select-men

Preamble.

the major Part of them, in the ſeveral Towns within this State, when and ſo often as there ſhall need a ſupply of Money in the Treaſury of any Town, to provide and anſwer any of thoſe Articles, Matters, Things or Charges by them to be provided or anſwered according to Law, and the Inhabitants of the Town at any Town-Meeting (whereat ſuch want of a Supply is made known to them by their Select-men) ſhall refuſe or neglect to grant ſuch Supply; ſhall be, and the ſaid Select-men are hereby fully authorized and impowered to aſſeſs the ſeveral Inhabitants of their ſaid Town, and make a Rate upon them, according to the Liſt of the Polls and rateable Eſtate of the ſaid Inhabitants, for raiſing ſuch Sum or Sums as ſhall be neceſſary for providing the ſeveral Things, and anſwering the ſeveral Matters aforeſaid, or any of them; which Sum or Sums ſo raiſed the ſaid Select-men ſhall be accountable for according to the Act, entitled, "*An Act for maintaining and ſupporting the Poor.*" And that all ſuch Rates ſo made by the Select-men or the major Part of them, in any Town in this State, and delivered to the Conſtable or Conſtables of the Town, with a Warrant annexed thereto, ſigned by the Select-men or the major Part of them, and directed to the Conſtable or Conſtables, requiring him or them to gather the ſame (which Warrant ſuch Select-men are hereby authorized and impowered to grant, as aforeſaid) ſhall be a ſufficient Warrant for ſuch Conſtable or Conſtables to collect ſuch Rate: And they are hereby required to obey and ſerve ſuch Warrant; and therein ſhall obſerve and follow the Directions of the Law relating to the gathering and collecting the State Rates: And when they have collected the ſame according to ſuch Warrant, ſhall pay the Sum or Sums collected to the Select-men or major Part of them, or to their Order, for the Uſes foreſaid, and take Receipts of what they pay.

Select-men to aſſeſs the inhabitants to raiſe monies for ſupplies, &c.

Select-men's warrant ſufficient, &c.

And in Caſe any ſuch Conſtable ſhall not perform the Truſt hereby committed unto him, he ſhall be accountable, and ſhall and may be proceeded againſt by Diſtreſs, as is provided againſt Collectors of Rates, in the Law, intitled, "*An Act for collecting and paying of Rates or Taxes.*"

Penalty for neglect.

## An Act for appointing and directing Commiſſioners of Sewers and Scavengers.

Preamble.

*WHEREAS there are great Quantities of meadow, marſhy, and low Lands or Grounds belonging to ſundry Perſons in ſeveral Towns in this State, which are ſpoiled by the overflowing of Waters: And alſo much ſwampy and unprofitable and which might be rendered profitable by drowning and draining the ſame.*

To the Intent therefore that the Owners of ſuch Lands may be encouraged and enabled to remove ſuch Obſtructions, and dam and flow their Swamps, and other unprofitable Grounds, thereby to bring them under profitable Improvement;

Governor & council to grant commiſſions, &c.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That it ſhall be in the Power of the Governor and Council, for the Time being, from Time to Time, upon Requeſt to them made by the major Part of the Proprietors of any ſuch Lands, to grant Commiſſions of Sewers, to ſuch and ſo many able and diſcreet Perſons, as to them ſhall ſeem meet, for the clearing and removing of Banks and Obſtructions of the Paſſages of the Waters in Rivers, Brooks, Streams, or Ponds that occaſion the overflowing and drowning of Meadow, ſwampy and low Lands: And alſo for the flowing and draining of Swamps and other unprofitable Grounds: And alſo for damming to prevent the Water overflowing marſhy and flat Lands; which Commiſſion ſhall be ſigned by the Governor: And by the ſaid Commiſſions, the Commiſſioners ſhall be impowered to do the Service aforeſaid, and to employ Work-men and Labourers for ſuch reaſonable Wages as may be agreed

on for the effecting the Premiſes: And from Time to Time to aſſeſs and tax all ſuch Perſons as are Owners of ſuch low and wet Lands, towards defraying the Charge of the Service aforeſaid, (having Regard to each Perſon's Quantity of Land, and Benefits to be received thereby, as equally according to their beſt Judgment as they can) and alſo to appoint and ſwear a Collector or Collectors, for the collecting and gathering and paying in the ſame Aſſeſſment to ſuch Perſons as ſhall by ſaid Commiſſioners be appointed to receive it; with Power to diſtrain all ſuch Perſons as ſhall neglect or refuſe to make Payment of his, her or their Parts or Proportion ſet and aſſeſſed as aforeſaid, in ſuch Manner as in the State Rates and Taxes by Law may be done; and to call before themſelves the ſaid Collector or Collectors, to an Account for his or their Betruſtment, with Reference to the Premiſes.

Commiſſioners to be ſworn.

And the ſaid Commiſſioners ſhall be ſworn to a faithful Diſcharge of their Truſt, and ſhall receive ſuch Salaries out of the ſaid Aſſeſſments for their Time and Expences, touching the Premiſes, as the Governor and Council ſhall appoint; unto whom the ſaid Commiſſioners ſhall be accountable when thereunto required.

Charges how paid.

And if any Proprietor of any ſuch Lands ſhall be unable, or otherwiſe neglect to pay his, her or their Proportion of the ſaid Rates or Aſſeſſments, it ſhall and may be lawful to and for the other Proprietors concerned therein to pay the ſaid Aſſeſſments, and to hold the ſaid Lands of the Perſon neglecting or refuſing as aforeſaid, until the Profits of thoſe Perſons Lands may be ſufficient to reimburſe them, according to the Judgment of the Commiſſioners.

Proviſo.

*Always provided*, That it ſhall be in the Liberty of any Perſon aggrieved at any Procedure of the ſaid Commiſſioners, or of any others in Purſuance of this Act, to appeal or complain unto the Governor and Council for Relief.

*And foraſmuch as the Ditches, Drains and Dams made by the Commiſſioners aforeſaid, will be likely to fill up, or get out of Repair, it will be needful that they be frequently ſcoured or repaired:* Therefore,

Proprietors to meet, &c.

*Be it further enacted by the Authority aforeſaid*, That the Proprietors of ſuch marſhy, wet or drained Lands, after the ſaid Commiſſioners have dammed, ditched or drained the ſame, may meet and aſſemble together from Time to Time, as there ſhall be Occaſion: Which Meeting ſhall be warned as follows, viz.

Meeting how called.

When and ſo often as any three of ſaid Proprietors, ſhall judge a Proprietors Meeting neceſſary for the Purpoſes hereafter mentioned, they may apply to the next Aſſiſtant or Juſtice of the Peace, who thereupon is hereby impowered to iſſue forth his Precept to ſome meet Perſon, to warn all the Proprietors of ſuch Lands, to meet at ſuch Time and Place, and for ſuch Buſineſs as ſhall be therein appointed and declared; and the Perſon to whom ſuch Precept is directed, ſhall give Warning to all the Proprietors of ſuch Lands, that live in the Town where the Lands lie, by reading the ſame in their hearing, or leaving an atteſted Copy thereof at the Place of their uſual Abode, at leaſt three Days before ſuch Meeting: And the ſaid Meeting being ſo warned and aſſembled, ſhall be a lawful Meeting.

Their power and buſineſs when met.

And at any, and every of ſuch Meetings, as there ſhall be Occaſion, the ſaid Proprietors, by their major Votes, to be computed according to their Intereſt in ſuch Lands, may chooſe a Clerk, who ſhall be ſworn to make true Entries of all ſuch Votes as ſhall be paſſed in ſaid Meetings; and also of the Reports of the Proprietors Committee, of their doing, in ſtating and ſetting out to each Proprietor his Part of ſuch Dams, Ditches and Drains. Which Committee the ſaid Proprietors are hereby impowered to chooſe, conſiſting of two or three Men, who may ſtate and ſet out to each Proprietor his Part or Proportion of ſuch Dam, Ditch or Ditches; to be computed and done according to his Intereſt in ſuch Lands: Which Committee ſhall make a Return, or Report of their Doings therein, unto the Clerk

in Writing under their Hands; to be entered on Record, that it may be known.

And each Proprietor, his Heirs and Aſſigns, ſhall ever after ſufficiently clear and keep open, and in Repair, his Part of ſuch Dams, Ditches and Drains, ſtated and ſet out to him as aforeſaid. Each proprietor to do his part.

*Always provided*, The Proprietors may, at any Time afterwards, cauſe a new Stating of the ſame, as they ſhall ſee Occaſion. Proviſo.

*And the more effectually to oblige the ſaid Proprietors to do the ſame,*

*It is further Enacted*, That the ſaid Proprietors ſhall be, and are hereby impowered to chooſe two or more Perſons among themſelves, to be Scavengers for the clearing up or keeping in Repair ſuch Dams, Drains and Sewers: Which Scavengers ſhall be choſen and appointed once in two Years; and ſhall take the Oath by Law provided. To chooſe ſcavengers.

And if any Perſon or Perſons, lawfully choſen to ſaid Office of Scavenger, ſhall refuſe or neglect to take ſuch Oath, being required thereunto by a Citation from an Aſſiſtant or Juſtice of the Peace; ſuch Perſon or Perſons ſhall each of them pay a Fine of *Twenty Shillings* to the Proprietors of ſuch Lands, to be delivered to their Committee for the Uſe of the Proprietors: The ſame to be levied by Warrant from ſuch Aſſiſtant or Juſtice. Penalty for refuſal to ſerve.

And the Proprietors aforeſaid, ſhall proceed to chooſe other Perſon or Perſons Scavengers, in the Room of ſuch as have refuſed as aforeſaid; and ſo *toties quoties*. Others to be choſen.

And the ſaid Scavengers ſhall, from Time to Time, diligently inſpect the Dams, Drains and Ditches, and ſee that they are kept open, or in good Repair; and if at any Time they find them, or any Part of them filled or out of Repair, they ſhall forthwith give Warning thereof unto ſuch Proprietors, whoſe Part is deficient, that they forthwith repair and amend the ſame; and if any Proprietor ſhall not within five Days next after ſuch Warning given, clear or repair the ſame ſufficiently, in the Judgment of the Scavengers, the ſaid Scavengers are hereby impowered and appointed, forthwith to cauſe the ſame to be ſufficiently repaired; and the Perſon or Perſons to whom it belongs, ſhall pay double Coſt to the Scavengers for repairing the ſame: And in Caſe of Refuſal or neglect of Payment thereof, for the Space of ten Days after an Account thereof preſented, and Demand thereof made; ſuch Coſt and Charges ſhall be levied by Diſtreſs, and Sale of the Offender's Goods, by Warrant from an Aſſiſtant or Juſtice of the Peace. Scavengers duty.

And for Want of Goods or perſonal Eſtate, the Officer ſhall deliver to the Scavenger, ſo much of the Lands of the Perſon deficient as will anſwer the ſame, with additional Coſts, by a reaſonable Extent. Lands liable, &c.

*Always provided*, That if any Proprietor thinks himſelf aggrieved with the Account of the Scavengers, he may, at his own Coſt, within the ſaid ten Days, make Application to the Select-men of the ſame Town wherein the Land lieth, who being no ways Parties to the Controverſy, ſhall anew appraiſe the Coſt of ſuch repairing, and the Party deficient ſhall pay double Coſt according to their Appraiſement, to be recovered as aforeſaid. Proviſo.

*Provided alſo*, That when the Proprietors of ſuch Lands ſhall judge that the clearing of ſaid Ditches and Drains, or repairing ſaid Dams may be more eaſily and more effectually performed in a general Way and Manner, and call thereupon in any of their lawful Meetings, by their major Vote, computed by Intereſt, as aforeſaid, vote and agree that the ſaid Ditches and Drains ſhall be cleared, or ſaid Dams repaired at the public Charge of the Proprietors, then the ſaid Commiſſioners of Sewers ſhall, and they are hereby impowered, to employ Perſons to do the ſame, and to aſſeſs the Proprietors therefor, and levy the ſame in the ſame Manner as they are by this Act enabled to do in the firſt making of ſaid Dams, Ditches, and Drains; any Thing in this Act contained to the contrary notwithſtanding. Proviſo.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon or

Perſons,

Any perſon incumbring drains, &c. common nuſance.

Perſons, without Liberty of the Proprietors firſt had or obtained, ſhall ſet any Fence, Hedge, or other Incumbrance, on the Bank of ſuch Drain or Drains, to the annoyance and incumbrance of it, or to make the clearing up and keeping the ſame in good Repair more difficult, it ſhall be lawful for the Scavengers to remove the ſame as a common Nuſance.

## An Act for ordering, reſtraining, and preſerving Sheep.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Owners of Sheep in any Town in this State, or the major Part of them, ſhall be allowed and impowered, and they are hereby allowed and impowered to meet together within their Limits, as often as there ſhall be Occaſion; and in ſuch their Meetings to order that the Sheep in ſuch Town ſhall be put together in a Flock or Flocks annually, for ſuch Time and Seaſon of the Year as they ſhall determine.

Owners of ſheep to meet, &c.

And the Owners of the Sheep of every ſuch Flock, are impowered to meet together in their Limits, and in ſuch Meeting by their major Vote, according to their Intereſt, to be computed according to the number of Sheep each Voter hath, to chooſe their Clerk, who ſhall be ſworn to make true Entries of all ſuch Votes and Acts as ſhall be made by ſaid Owners of Sheep: And alſo to chooſe Sheep-Maſters for the hiring of a Shepherd, and letting out the Flock to fold, and for other prudential Affairs relating to the Flock; And alſo to make Orders for the warnings of their Meetings, and all neceſſary Orders proper for the better managing their Flock, reſtraining Rams from going at Large within their Limits, and ſecuring the Flock from being deſtroyed by Dogs.

To chooſe a clerk, &c.

Sheep at large, &c. liable to be impounded.

And if any Sheep ſhall go at Large on the Common without a Keeper, in any Town in this State, ſuch Sheep may be taken up and impounded by any Perſon finding the ſame; unleſs any Town ſhall agree and order to the contrary within their own Precincts, reſpecting their Sheep.

*And whereas it is practiced in ſome of the Towns in this State, by ſome particular Inhabitants, to turn large Flocks of Sheep on the Highways, with a Keeper, and thereby eat up and deſtroy the Herbage therein, to the great Detriment of the poor Inhabitants of ſuch Towns:* Which to prevent:

*Be it further enacted by the Authority aforeſaid,* That no particular Perſon in any Town in this State, ſhall for the future, turn any Flock of Sheep on the Highways with a Keeper, of more than Fifty, to eat up and conſume the Herbage therein, without Liberty firſt had and obtained from ſuch Town, or the Proprietors thereof, on Pain that every Offender ſhall forfeit and pay the Sum of *Twenty Shillings* for every ſuch Offence, to him or them who will ſue for and proſecute the ſame to effect.

No perſon to turn a flock of more than 50 ſheep on the common with a keeper.

*And it is further Enacted,* That every Town that does not agree to have any Flock, ſhall have the ſame Power to make Acts relating to the reſtraining of Rams and ſecuring the Sheep from being deſtroyed by Dogs, as the Owners of Sheep have that live within the Limits of any Flock, as aforeſaid. And no Damage ſhall be recovered againſt any Perſon for killing any Dog or Dogs, according to the Orders of ſuch Town or Owners of any Flock.

Rams reſtrained. Dogs deſtroyed.

*And the more effectually to prevent Miſchief being done by Dogs to Sheep and Cattle in this State,*

*Be it further enacted by the Authority aforeſaid,* That when any Perſon or Perſons living in any Town in this State, ſhall complain to any one of the Select-men of ſuch Town, of Damages done among Sheep or Cattle, by them being worried, wounded or killed by Dogs in the Woods or elſewhere in ſuch Town; or ſhall complain thereof to any one of the Sheep-maſters of the Flock, within the Limits whereof ſuch Miſchief is done, and ſhall inform

Who to order dogs to be killed.

ſuch

ſuch Select-men or Sheep-maſter what, and whoſe Dog or Dogs they ſuſpect did ſaid Miſchief, ſuch Select-man or Sheep-maſter ſhall conſider what ſuch Complainant ſhall offer, and any other Matters he ſhall think proper to convince him of the reaſonableneſs or unreaſonableneſs of ſuch Suſpicion, and if he be ſatisfied there is great Reaſon for Suſpicion that the Dog or Dogs complained of have done the ſaid Miſchief, ſuch Select-man or Sheep-maſter ſhall give Sentence that ſuch Dog or Dogs ſhall be killed: After which it ſhall be lawful for any Perſon or Perſons to kill ſuch Dog or Dogs.

Complaint how and to whom made.

And if after ſuch Sentence given (ſuch Dog or Dogs not being killed) ſuch Miſchief ſhall again be done by Dogs, the Owner of ſuch Sheep or Cattle worried, wounded or killed by Dogs, ſhall recover all his Damages againſt the Owner or Owners of ſuch Dog or Dogs ſentenced to be killed as aforeſaid; unleſs upon Trial the Owner or Owners of ſuch Dog or Dogs ſhall ſatisfy the Court, Aſſiſtant, or Juſtice before whom the Trial is, that the Damages were not done by his or their Dog or Dogs ſentenced as aforeſaid.

Damage when and how to be recovered.

*Always provided*, That the Owner or Owners of ſuch Dog or Dogs, be notified of the Sentence aforeſaid, before the Damage ſued for, was done: And that no Proſecution by virtue of this Act, for ſuch Damages, be made after four Days from the Time ſuch Damages are done.

Proviſo.

*And whereas ſome Perſons of evil Fame, ſometimes uſe Means to conceal the Marks of Sheep and other Creatures they kill and dreſs, which gives great Suſpicion of their feloniouſly having taken the ſame, to the great Damage of the Owners,* &c. Which to prevent:

*Be it further enacted by the Authority aforeſaid*, That whenſoever any Perſon ſhall be found killing or dreſſing any Sheep, Cattle or Swine, and ſhall wilfully deface any of the Marks, whether natural or artificial, of ſuch Creature, deſignedly to conceal the ſame; or ſhall refuſe to expoſe them to the View of any credible Perſon when requeſted thereunto; in every ſuch Caſe the Conſtables and Grand-jurors in the Town where ſuch Creature ſhall be ſo killed, and the Marks thereof, ſo as aforeſaid concealed, upon credible Information thereof, ſhall, and they are required to make Preſentment of ſuch Offence to ſome Court, Aſſiſtant, or Juſtice of the Peace, who may cauſe ſuch ſuſpected Perſon to be brought before him or them; and if upon Examination ſuch ſuſpected Perſon ſhall not ſhew to the ſatisfaction of ſuch Authority, that he did not kill ſuch Creature, (and wilfully deface or conceal the Marks thereof as aforeſaid) or that he had good Right ſo to do, he ſhall be adjudged guilty of feloniouſly taking the ſame, and ſhall pay to the Treaſurer of the Town where ſuch Offence is committed, treble the Value of ſuch Creature ſo killed, beſides ſuch Fine as the ſaid Court, Aſſiſtant, or Juſtice ſhall order, not exceeding *Twenty Shillings*, or be publicly whipped, not exceeding fifteen Stripes.

Killing and concealing the marks of creatures, puniſhable, unleſs, &c.

And if ſuch Perſon ſhall within one Year after ſuch Conviction, make it appear to the Satisfaction of the ſaid Authority, that he was the true and lawful Owner of ſuch Creature ſo killed, he ſhall receive of ſaid Treaſurer, by Order of ſaid Authority, the three-fold Damages, adjudged as aforeſaid.

Forfeiture to be returned in caſe, &c.

## An Act for appointing of Sheriffs, and for impowering and regulating them in the Execution of their Office.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That there ſhall be a Sheriff, duly qualified to execute the Sheriff's Office in each of the Counties in this State, who ſhall from Time to Time, as there ſhall be Occaſion, be appointed by, and become bound before the Governor and Council, with two ſufficient Sureties, Freeholders in this State, by a Recognizance in the Sum of *One Thouſand Pounds*, to the Treaſurer of the State, for the faithful Adminiſtration

Sheriff to be appointed by Governor & Council.

Bond to be given.

tion and Diſcharge of ſaid Office, and for anſwering all ſuch Damages as any Perſon or Perſons ſhall ſuſtain by any Unfaithfulneſs or Neglect in the ſame: And before he executes ſaid Office ſhall take before the Governor, or in his Abſence the Lieutenant-Governor, the Oath by Law required to be taken by ſuch as execute the ſaid Office; who ſhall thereupon receive a Warrant or Commiſſion from the Governor, or in his Abſence the Lieutenant-Governor, expreſſing him to be qualified as aforeſaid, authorizing and impowering him to execute the ſaid Office. And every Perſon being ſo appointed, qualified and impowered, ſhall be accounted, lawful Sheriff of the County for which he is appointed; and ſhall have full Power and Authority to ſerve and execute all lawful Writs within their reſpective Counties, to them directed, coming from lawful Authority: And ſhall have and execute the Power and Office of Water-Bailiffs; which is hereby annexed to the Sheriffs Office.

Oath required.

Sheriffs power.

And alſo ſhall have full Power within their reſpective Counties, to conſerve the Peace, and to ſuppreſs with Force and ſtrong Hand, when the neceſſity of the Caſe ſhall ſo require, all Tumults, Riots, Routs and other unlawful Aſſemblies; and to apprehend without Warrant, all ſuch as they ſhall find ſo, as aforeſaid, appearing in Diſturbance of the Peace, and cauſe them to appear before the next Aſſiſtant, or Juſtice of the Peace; who may, as the Caſe after Examination thereinto ſhall require, bind over ſuch Offenders to the next County Court in that County wherein the Offence is committed; which Court upon Conviction of ſuch Offenders of the Breach of the Peace, in any of the Kinds aforeſaid, ſhall puniſh them, and every of them, by Fine or Impriſonment, at their Diſcretion, as the Nature of the Offence ſhall require.

To conſerve the peace & ſuppreſs riots &c.

That the Sheriffs aforeſaid, ſhall have full Power, at their Diſcretion, to command ſuch Aſſiſtance of ſuitable Perſons within their reſpective Counties, as they ſhall judge needful, to aſſiſt them in the Execution of their Office, in every Branch thereof: And whoſoever being of Age and Ability, and being ſo commanded, ſhall neglect or refuſe to aſſiſt any Sheriff in the Execution of his Office, according to his Ability, and be thereof convicted in the County Court of that County, ſhall pay a Fine not exceeding *Ten Pounds* to the Treaſurer of ſaid County, and the Charges of Proſecution.

To command aſſiſtance.

Fines.

And each and every Conſtable in this State ſhall, within their reſpective Towns have Power equal to what is hereby given to Sheriffs in their reſpective Counties.

Conſtables like power.

And in caſe great Oppoſition ſhall be made againſt any Sheriff, in executing of lawful Writs, ſigned by lawful Authority, or in ſerving other lawful Writs and Proceſſes, ſigned as aforeſaid, or in caſe there be a Suſpicion that ſuch great Oppoſition will be made, ſuch Sheriff is hereby authorized, by and with the Advice of one Aſſiſtant and a Juſtice of the Peace, and of ſuch other Aſſiſtants and Juſtices preſent, in caſe more are preſent, to raiſe the Militia of the County, or ſo many of them as they ſhall judge needful for the removing all Oppoſition out of the Way; and ſhall proceed therein and be indemnified; as is provided by the Law, entitled, *An Act for preventing and puniſhing Riots and Rioters.*

To raiſe militia in caſe, &c.

And all Military Officers and Soldiers are hereby commanded to yield Obedience to the Sheriff's Commands in ſuch Caſes, on the Pains and Penalties hereafter mentioned.

Militia to obey.

And the Sheriffs ſhall not Return that they cannot do Execution.

That if any Commiſſion Officer, or any Soldier ſhall neglect or refuſe to obey the Command of the Sheriff, under the Regulation aforeſaid, and be thereof convicted before the County Court, ſuch Officer ſhall pay a Fine not exceeding *Twenty Pounds*, and every ſuch Soldier ſhall pay a Fine not exceeding *Three Pounds*; and the Charges which ſhall ariſe, and Damages which ſhall be ſuſtained upon ſuch an Occaſion, ſhall be paid and ſatisfied out of the Eſtates of him or them who are the Occaſion of it: And in caſe no

Penalty for refuſing to obey ſheriffs.

no Eſtate, or not ſufficient to anſwer the ſaid Charges and Damages, can be found, it ſhall be paid and ſatisfied out of the County Treaſury where ſuch Caſe ſhall happen.

Sheriffs to ſeize their goods, &c.

And the Sheriff is hereby authorized to ſeize and diſpoſe of a ſufficiency of the Offender's Eſtate, if to be found, to anſwer the Charges and Damages aforeſaid.

Wages allowed, &c.

And the Wages of ſuch Officers, Soldiers, and other Perſons commanded to the Aſſiſtance of the Sheriff, ſhall be *Five Shillings per Diem* for Captain, *Three Shillings* for a Lieutenant, and *Two Shillings* for each Centinel, and other Perſons imployed in ſuch Service.

*And the more effectually to oblige Sheriffs and Conſtables to perform the Services of their Offices, and the better to regulate them therein*;

To receive writs, &c.

*Be it further enacted by the Authority aforeſaid*, That Sheriffs and Conſtables ſhall receive all manner of Writs, in any Place and at all Times within their Counties or Precincts, when and whereſoever they ſhall be tendered to them, and ſhall execute the ſame, and make return thereof according to the Directions therein given.

Receipt to be given, &c.

And any Perſon may demand of the Sheriff or Conſtable to whom he delivers any Writ, to give a Receipt thereof under his Hand, wherein the Names of the Parties, the Sum or Thing in Demand, the Date of the Writ, and of its Delivery ſhall be contained, without taking any Thing therefor: And on his Refuſal, others preſent may ſet to their Hands as Witneſſes to ſuch Delivery.

For neglect; fineable.

And if ſuch Sheriff or Conſtable ſhall not execute the Writ, or ſhall neglect to make Return thereof, or ſhall make a falſe or undue Return; on Complaint thereof made to the Court or Juſtice, to which it was made returnable, the Court or Juſtice may enquire thereof, by the Evidence produced, and if he be found in Default, the Court or Juſtice may ſet a ſuitable Fine upon him, and award Damages to the Party aggrieved, having reſpect unto the Quantity and Quality of the Action, and the Peril that might have happened unto him by the Delay which he ſuffered.

Proceſs ſerved fourteen days, &c.

Which Proceſs againſt ſuch Sheriff or Conſtable ſhall be ſerved at leaſt fourteen Days before the ſitting of the Court wherein it is to be tried.

No appeal.

And that whenſoever any Sheriff or Conſtable ſhall be ſued for not executing any Writ of Execution, delivered to him to be executed, there ſhall be no Appeal allowed in any ſuch Caſe.

Proviſo.

*Provided*, A Receipt in Writing be demanded or received of ſuch Officer for ſuch Writ of Execution at the Time of the Delivery thereof, as is herein before provided.

Proviſo.

*Provided alſo*, That if ſuch Officer ſhall be complained of, or ſued before an Aſſiſtant or Juſtice of the Peace, for not executing, or for making a falſe or undue Return of any Writ of Execution granted by ſuch Aſſiſtant or Juſtice, on a Judgment for more than *Forty Shillings*, founded on the Confeſſion of the Debtor; either of the Parties in ſuch Complaint or Suit ſhall have Liberty of an Appeal from the Judgment of ſuch Aſſiſtant or Juſtice, to the next County Court in the ſame County; any Thing before in this Act to the contrary notwithſtanding.

Sheriffs may appoint deputies.

*Be it further enacted by the Authority aforeſaid*, That the reſpective Sheriffs may conſtitute and impower Deputies to act under them; provided however that the number of Deputy-Sheriffs, acting under the reſpective Sheriffs of the ſeveral Counties reſpectively at the ſame Time, ſhall be, and the ſame is hereby limited as follows, namely: For the County of *Hartford* not more than Twelve; for the County of *New-Haven* not more than Eight; for the County of *New-London* not more than Six; for the County of *Fairfield* not more than Six; for the County of *Windham* not more than Six; for the County of *Litchfield* not more than Eight.

Number limited.

Proviſo. *Provided nevertheleſs*, That the Sheriffs of their reſpective Counties, ſhall have Liberty on ſpecial Occaſions, to depute any meet Perſon to ſerve and execute any particular Writ or Proceſs; which Deputation ſhall appear, entered on the Back of ſaid Writ or Proceſs; any Thing in this Act to the contrary notwithſtanding.

Deputy-ſheriffs to be under oath. *And it is further enacted*, That no Perſon ſhall be allowed to ſerve as Deputy-Sheriff, within this State, until he take the Oath by Law preſcribed for Deputy-Sheriffs, in the Table of Oaths.

Proviſo. *Provided nevertheleſs*, That when any Perſon ſhall be deputed on ſome ſpecial Occaſion, as aforeſaid, to ſerve a particular Writ, and after the Service thereof ſhall make Oath before an Aſſiſtant or Juſtice of the Peace, that he faithfully and truly ſerved the ſame, according to his Indorſement thereon, and that he did not fill up the ſaid Writ, nor give any Direction to any Perſon to fill up the ſame: And ſuch Oath being indorſed on the ſaid Writ, or properly certified by the Authority adminiſtering the ſame, the Service thereof ſhall be good and valid; any Thing in this Act to the contrary notwithſtanding.

Proviſo. *Provided alſo*, That this Act ſhall not extend to prohibit the Sheriffs, in their reſpective Counties, of deputing each other to ſerve as Deputies in their reſpective Counties.

Writs to abate, &c. *And be it further enacted by the Authority aforeſaid*, That all Writs and Proceſſes that ſhall be ſerved or executed by any Deputy-Sheriff, not qualified as aforeſaid, ſhall be void and abate.

Travelling fees no more than actual travel. And that no Deputy-Sheriff ſhall be allowed any more Fees for Travel to ſerve and return any Writ or Execution than he doth actually travel to ſerve and return the ſame; any Uſage or Cuſtom to the contrary notwithſtanding.

On ſheriffs ſuit on receipt. And that whenever any Sheriff or Conſtable, by Virtue of any Writ of Execution, ſhall ſeize any Goods or Chattels to anſwer and ſatisfy ſuch Execution, and any Perſon ſhall appear to receive ſuch Good and Chattels into his Care, and ſhall give to ſuch Officer a Writing well executed by ſuch Perſon, therein expreſſing the Receipt of ſuch Goods and Chattels, and thereby promiſing to re-deliver the ſame to ſuch Officer, and ſhall fail of performing accordingly, and any Action ſhall be brought by ſuch Sheriff or Conſtable, there ſhall be no Appeal in ſuch Caſe allowed or granted.

No appeal. *And be it further enacted by the Authority aforeſaid*, That no Sheriff, Under-Sheriff, Sheriff's Deputy, or Conſtable ſhall be allowed to draw or fill up any Writ, Proceſs or Declaration in any Caſe whatſoever, nor appear in any Court as Attorney for and in Behalf of any other Perſon or Perſons whatever.

Writs filled up by ſheriffs &c. to abate, unleſs, &c. And if it ſhall appear in any Caſe, that the Writ, Proceſs, or Declaration was drawn or filled up by any Sheriff, Sheriff's Deputy, or Conſtable (their own Caſes only excepted) the ſame ſhall abate, and be diſmiſſed; any Law, Uſage, or Cuſtom to the contrary in any wiſe notwithſtanding.

## An Act for regulating and inſpecting the Building of Ships and other Veſſels.

Preamble. *FORASMUCH as the Building of Ships and other Veſſels, is or may be a Buſineſs of great Importance in this State; it is neceſſary that ſome ſuitable Proviſion be made, that effectual Care be taken for the well performing the ſame*

Therefore,

Surveyors to be appointed before planking. *BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That when and ſo often as any Ship or Veſſel of twenty Tons or upwards is to be built or ſet up in any Town or Place within this State, before any Plank be brought on, the Builder or Owner ſhall repair to one of the next Aſſiſtants, or Juſtices of the Peace within the ſame County, who upon Requeſt made, is hereby impowered to appoint

appoint and authorize one or more able Ship-wrights to be Overſeers and Surveyors of the ſaid Building, and of all the Materials and Workmanſhip in and about the ſame, from Time to Time, as often as the Builder or Owner ſees Cauſe to call them thereto: who are to take Care that all the Materials be ſound, ſufficient, and ſuitable for the Occaſion, and that the Work be done and performed ſtrong, ſubſtantial, and according to the Rules of the Ship-wrights Art.

Surveyors to be appointed before planking.

And to direct, and they are hereby impowered to order and direct, that all inſufficient, defective Timber, Plank, and other Materials, and Workmanſhip be taken out and amended. No Timber or Plank of Oak to be allowed, other than White-Oak or Rock-Oak, (except for the Deck and Cieling of ſuch Ship or Veſſel.)

Their duty.

Which Surveyors ſo appointed, ſhall be ſworn to be faithful and indifferent, between the Carpenter and the Owner or Owners.

To be ſworn.

That if any Builder or Carpenter upon Advice, Order and Direction of ſuch Surveyor or Surveyors, ſhall neglect or refuſe to reform and amend what is judged to be defective or amiſs in any Materials or Workmanſhip; every ſuch Builder or Carpenter ſhall forfeit and pay the Sum of *Five Shillings per Diem* to the Treaſurer of that Town where ſuch Veſſel ſhall be in building, until ſuch Defects, Inſufficiencies, and Miſ-doings ſhall be amended, being convicted of ſuch Refuſal or Neglect before any one Aſſiſtant or Juſtice of the Peace; unleſs ſuch Authority, on hearing of the Builder or Carpenter, ſhall ſee Cauſe to allow him ſome further reaſonable Time for doing the ſame; after which the Forfeiture to be as aforeſaid.

Penalty 5s. per day for not attending the advice of ſurveyors.

And if any Builder or Carpenter ſhall bring to, and faſten any Plank upon any Ship or Veſſel of the Burden aforeſaid, before a Warrant of Survey be obtained, as aforeſaid, and the Surveyor or Surveyors have been to view the Frame; every ſuch Builder or Carpenter offending herein, ſhall forfeit and pay the Sum of *Ten Pounds*; one Moiety thereof to the Treaſurer of the State, and the other Moiety to him or them that ſhall ſue for and proſecute the ſame to Effect, by Bill, Plaint or Information in any of the Courts of Record in this State.

Penalty 10l. for neglecting ſurvey.

And that when any Surveyor or Surveyors are called to ſurvey the Work or Materials, in Manner aforeſaid, they ſhall have for their Care and Pains, and Attendance when called *Three Shillings* for every Survey; which Charge of Surveying ſhall be born by the Builder when he is defective, but if he is not in Fault, then by the Owner or Owners; and in Caſe of Travel out of Town, the Surveyors to be further allowed for their Travel and neceſſary Charges.

Surveyors allowance.

## An Act providing in Caſe of Sickneſs.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That for preventing the ſpreading of Infection, when it ſhall happen that any Perſon or Perſons coming from Abroad, or from any Town or Place within this State, are viſited, or have lately been viſited with the Small-Pox, or other contageous Sickneſs, or that may juſtly be ſuſpected to have taken the Infection of any ſuch Diſeaſe, which Infection may probably be communicated to others; the Select-men of ſuch Town in which ſuch Perſons viſited with ſuch Sickneſs, or ſuſpected to be infected with ſuch Diſeaſe are, ſhall, and they are hereby impowered, by Warrant from two Aſſiſtants or Juſtices of the Peace, or for want of two by any one, to take Care and make effectual Proviſion in the beſt Manner they can, for the Preſervation of the Inhabitants from the Infection, by removing and placing ſuch ſick or infected Perſon or Perſons to and in a ſeparate Houſe or Houſes; and alſo to take Care of the

Perſons coming from places infected, &c. care to be taken to prevent ſpread of infectious diſeaſes, &c.

ſick and infected Perſons, by providing of Nurſes, Tendance and other Aſſiſtance and Neceſſaries for them, if need be, all at the Charge of the Parties themſelves, their Parents or Maſters, (if able) otherwiſe at the Charge of the Town or Place whereto they belong.

Accounts to be adjuſted, &c.

The Accounts to be adjuſted by the Authority who granted the Warrants: The Money to be levied by Diſtreſs, ſigned by ſuch Authority.

Perſons viſited with ſickneſs in any other town than that they belong, to be relieved, &c.

That in Caſe it happen that any Perſon or Perſons be viſited with any Kind of Sickneſs, (whether of an infectious Nature or not) in any other Town or Place than that whereunto they belong, and by that Means occaſion a Charge to ſuch Town, the Select-men of ſuch Town ſhall lay the Account thereof before the County Court of that County wherein ſuch Town is to which ſuch Perſon or Perſons belong; which Court having adjuſted the Accounts of ſuch Charge, and allowed the ſame, or ſo much thereof as they ſhall judge juſt and reaſonable, ſhall order Payment thereof to be made by the Treaſurer of ſuch Town, or in Want of ſuch Treaſurer by the Select-men of the ſame, and award Execution accordingly (when the ſaid Court ſhall judge that the Perſons themſelves, their Parents or Maſters, or other Relations which by Law are obliged to ſupport them in caſe of Need, are not able to make Payment.)

Town to recover the charges, &c.

And in caſe of the Death of the Perſon who ſhould have ſtood charged with the Debt, the Town ſhall recover the ſame of the Executors or Adminiſtrators of the Deceaſed, and for the want of Aſſets in their Hands, of his Heirs, if any be.

When the ſick is not an inhabitant of this ſtate, charges to be paid out of the ſtate treaſury.

And when it ſhall happen any ſuch ſick and indigent Perſons prove not to be Inhabitants of this State, or belong not to any Town or Place within this State, and are not by Law the proper Charge thereof, or of any particular Perſon, and need Relief, then the Charge of ſuch Perſon's Sickneſs ſhall be defrayed out of the public Treaſury of the State, by order of the Governor and Council: The Account of ſuch Charge being firſt laid before, and allowed by them.

Sick how to be taken care of, &c.

That whenſoever it ſhall be neceſſary, for the taking care of the ſick, any two Aſſiſtants, or Juſtices of the Peace, or one in caſe two cannot be had in the ſame Town where the Occaſion ſhall happen, may make out a Warrant directed to the Sheriff of the County, his Deputy, or Conſtables of the Town, requiring them, or any of them, in the Name of this State, (with the Advice and Direction of the Select-men of the ſaid Town) to impreſs and take up convenient Houſe or Houſes, Lodging, Nurſes, Tendance and other Neceſſaries for the accommodation of the Sick.

Nurſes and neceſſaries to be impreſſed by warrant if neceſſary, &c

That if any Town or Place viſited with Sickneſs, as aforeſaid, be in Danger of Suffering for want of ſuitable Nurſes or Tenders, which cannot be procured in the ſame Town, then a Warrant ſhall be granted by the Authority aforeſaid, at their Diſcretion, for the impreſſing any meet Perſon or Perſons, and other Neceſſaries, out of any other Towns.

Perſons, &c. coming from infectious places, &c.

how to be proceeded with.

That if any Perſon or Perſons, Seamen or Paſſengers belonging to, or tranſported in any Ship or Veſſel, arriving at any Port or Harbour within this State, happen to be viſited with the Small-Pox, or other contagious Sickneſs during the Voyage, or come from any Place where ſuch Sickneſs prevails and is common: or if any Perſon whatſoever ſhall come from any Town or Place, either in this, or any neighbouring Government where any ſuch Infectious Diſeaſe doth prevail or hath lately prevailed; or when any Perſon or Family may be juſtly ſuſpected and feared to have taken the Infection of any ſuch-like contagious Sickneſs, it ſhall be in the Power of the Select-men of the Town to order ſuch Perſon or Perſons, or Family, to Confinement in ſuch Veſſel, and ſuch Place as they ſhall think proper; or in ſuch Houſe or Place, and for ſo long a Time as they ſhall think moſt convenient and ſafe; and if Need ſo require, upon their Application to one Aſſiſtant, or Juſtice of the Peace, or more if readily to be come at, he or they may, and are hereby authorized

authorized to make out a Warrant to the Sheriff or Conſtable aforeſaid; or in want of ſuch Officers, or for any other ſpecial Reaſon, to ſome other ſuitable Perſon, (who is accordingly hereby impowered with the ſame Authorities, and required upon the ſame Penalties as the proper Officers are inveſted with, and liable to) both for the remanding ſuch Perſons on Board again, and confining them to the Places aſſigned them on Board or on the Shore; and alſo for preventing Perſons coming to, or going from them contrary to the Orders given.

That in caſe the Diſtreſs and Difficulties ſhall be ſo great in any Place or Places, that any further Proviſion ſhall be found neceſſary than is in this Act provided, upon Application to the Governor or Commander in Chief for the Time being, he is hereby impowered to make and give ſuch further Orders and Directions therein, with the Advice and Conſent of his Council, as they ſhall think fit, for the preventing the ſpreading of ſuch Infection, or any Thing relating thereto.

That in ſpecial caſes of diſtreſs not ſpecially provided for, application to be made to the governor, &c.

That if any Perſon or Perſons whatſoever ſhall willingly tranſgreſs againſt any Rule or Method made by this Act, or provided by Virtue thereof, to prevent the ſpreading of ſuch Diſeaſes, whether by refuſing to nurſe or tend ſuch ſick Perſon; or by reſorting to any ſuch ſick Perſons, or to the Places where they are; or ſhall (without Licence firſt had and obtained, from an Aſſiſtant, Juſtice of the Peace, or Select-men) come on Shore from ſuch Ship or Veſſel; or go from any other infected Place where they are confined as aforeſaid; or being appointed to tend or be with ſuch ſick Perſons, ſhall dare to go abroad from the Houſes where ſuch ſick Perſons are kept, and go into any other Houſe or Company, every ſuch Perſon tranſgreſſing as aforeſaid, ſhall incur a Penalty or Fine to the Town Treaſurer where any ſuch Offence ſhall be committed, as the County Court of that County wherein ſuch Town is, ſhall judge meet; not exceeding the Sum of *Eight Pounds*.

Penalty for not conforming to this

That if any Perſon or Perſons being impreſſed as aforeſaid, to nurſe or tend, ſhall neglect or refuſe to enter upon the ſaid Service, that it ſhall be lawful for the Authority who granted the Warrant by which ſuch Perſon or Perſons were impreſſed, (if ſufficient Excuſe to ſuch Authority ſatisfying be not ſhewn) to commit him, her, or them, ſo neglecting or refuſing, to the common Goal of the County wherein the Caſe happens, there to remain at his, her, or their own Charge, till he, ſhe or they better conform themſelves, or the Occaſion of their Impreſſing ſhall be over, and ſignified by ſuch Authority under his or their Hand to the Keeper of the Gaol for their Releaſe.

Perſons impreſſed to tend the ſick, refuſing, &c. to be committed, &c.

That when and ſo often as it ſhall happen, that any Perſon in any Houſe, Family, or Veſſel in any Townſhip, Harbour or Road within this State, ſhall be taken ſick, and do fear and ſuſpect it to be the Small-Pox, or other contageous Sickneſs, as aforeſaid, it ſhall be the Duty of the Head of ſuch Family, or Maſter of the Veſſel, immediately to put forth a Signal, viz. At every ſuch Houſe a white Cloth of two Feet ſquare or larger, extended on a Staff or Pole at leaſt ten Feet high, by the Houſe, between the Houſe and the Street or Highway: And on Board a Veſſel the Signal ſhall be the ſame hoiſted on the Shrouds.

When & what ſignals to be hung up, &c.

Which Signal ſhall be ſo continued till by order of a Juſtice, or the Select-men of the Town they ſhall be diſcharged therefrom.

To continue until, &c.

And on Failure hereof the Head of ſuch Family, or Maſter of ſuch Veſſel, on Conviction thereof before the County Court in the County where ſuch Omiſſion ſhall be, ſhall incur ſuch Penalty as the ſaid Court ſhall judge proper; not exceeding *Twelve Pounds*.

Penalty.

And that in every Town and Place where any ſuch infectious Diſeaſe ſhall break out, to prevent the ſpreading thereof, all Owners of Dogs ſhall deſtroy their Dogs or cauſe them to be killed; and in Neglect thereof, it ſhall be lawful for any Perſon to kill the ſaid Dogs.

Dogs to be killed.

Goods, &c. bro't from infectious places, not to be landed, &c. without leave &c. on penalty of 20l.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon ſhall bring into any Town in this State, either by Land or Water, from any Place infected with the Small-Pox or any other mortal or contageous Diſeaſe, any Goods, Wares or Merchandize, and land them or expoſe them to Sale without Liberty from two or more of the Select-men of ſaid Town firſt had and obtained in Writing under their Hands, ſuch Perſons ſhall forfeit the Sum of *Twenty Pounds* lawful Money; one Half of ſaid Penalty to the Informer who ſhall proſecute the ſame to effect, the other Half to the Treaſury of the Town in which ſuch Goods are landed or expoſed to ſale.

Select-men's duty, &c.

*Be it further enacted by the Authority aforeſaid*, That it ſhall be the Duty of the Select-men, upon Application to them made, to make ſpeedy Examination whether it be neceſſary to air ſuch Goods, Wares, or Merchandize brought in as aforeſaid; and if they judge it not neceſſary to air them, they ſhall then give a Certificate to the Perſon or Perſons applying therefor, and Liberty to Land and ſell the ſame. And whenſoever any Goods, Wares or Merchandize brought in as aforeſaid, and are ſuitably aired, ſaid Select-men ſhall give a Certificate thereof to the Perſon whoſe Goods, Wares, or Merchandize are thus aired, with Liberty to land or ſell the ſame accordingly.

Duty of maſters of veſſels, &c. to make report, &c. in 12 hours.

*Be it further enacted by the Authority aforeſaid*, That when it ſhall happen that any Ship or Veſſel ſhall come from any Place where the Small-Pox, or other contagious Sickneſs is prevalent, it ſhall be the Duty of the Maſter of ſuch Ship or Veſſel, and in caſe of Inability in the Maſter, it ſhall be the Duty of the next Officer ſucceſſively upon their Arrival in any Harbour Road or Creek in this State, forthwith to give Information to one or more of the Select-men of ſuch Town where ſuch Veſſel ſhall firſt arrive, from whence they came, and the true Circumſtances of the People and Cargo on Board. And whatever Maſter or other Officer on Board ſuch Veſſel, ſhall

On penalty of 50l.

for the Space of twelve Hours after his Arrival as aforeſaid, neglect to give Information as aforeſaid, or ſhall neglect to wait for and punctually obey ſuch Orders as ſhall be given in ſuch Caſe according to Law, or ſhall ſuffer any of the People belonging to ſuch Ship or Veſſel to go on Shore (except to give Information as aforeſaid) ſhall forfeit to the Treaſurer of ſuch Town where ſuch Offence ſhall be committed, the Sum of *fifty Pounds* lawful Money, to be recovered by Bill, Plaint or Information in any Court proper to try the ſame.

Paſſengers &c not to go on ſhore.

And if any Paſſenger or other Perſon on Board ſuch Veſſel, ſhall preſume to go on Shore from any ſuch Veſſel (except as before exempted before Information as aforeſaid, has been given, and order thereon made) ſuch Perſon ſhall incur upon himſelf a Fine of *ten Pounds* lawful Money, to be recovered as aforeſaid.

Inoculation not to be permitted without certificate of the conſent of civil authority, &c.

*And be it further enacted by the Authority aforeſaid*, That no Perſon hereafter within the limits of any Town in this State, ſhall receive, give or communicate the Infection of the Small-Pox by Way of Inoculation, or in any ſuch like Method, without firſt obtaining a Certificate from the major Part of the civil Authority and of the Select-men of ſuch Town, approving of and permitting the ſame; nor ſhall any Perſon be aiding or aſſiſting thereto without ſuch Liberty firſt obtained as aforeſaid.

Approbation of the town to be previouſly had, &c.

*And be it further Enacted*, That the civil Authority and Select-men in any Town in this State, ſhall not grant Permiſſion for the Small-Pox to be communicated by Inoculation, until the Approbation of ſuch Town be firſt had and obtained by the Vote of two-thirds of the Voters aſſembled in legal Meeting, excepting it be unto Perſons belonging unto the Continental Army Officers or Soldiers, and alſo in ſuch Caſe where any Perſon ſhall make appear fully to the ſatisfaction of the ſaid Authority and Select-men, that he or ſhe hath been involuntarily expoſed to take the Infection, and probably hath thereby taken and received the ſame in the natural Way.

*Be it further Enacted*, That when ever the Civil Authority and Select-men ſhall

ſhall grant Liberty and Permiſſion to inoculate as aforeſaid, they are directed and required to aſſign the Place, Houſe or Houſes where it ſhall be carried on, and the inffected Perſons ſhall be kept; and to appoint or approve of the Nurſes or Tenders employed, give Orders reſpecting the Time, the Perſons infected, their Nurſes and Tenders ſhall continue in the Places appointed, and alſo reſpecting their Cleanſing and coming out, and ſuch other Orders and Directions as ſhall be judged moſt expedient, for preſerving the Inhabitants from taking the Infection, for which Service a meet Recompence ſhall be paid by thoſe concerned, or ſome of them, to ſaid Authority and Select-men.

Civil authority and ſelect-men to aſſign the place where, &c. for inoculation.

That in Caſe any Perſon ſhall preſume voluntarily to receive, take, give or communicate the Small-Pox, directly or indirectly, contrary to the true Intent and Meaning of this Act, or be aiding and aſſiſting therein, ſuch Offender ſhall forfeit and pay to the Treaſurer of this State, the Sum of *Fifty Pounds*, for every ſuch Offence.

Penalty of 50l. for inoculation, &c.

And if any Perſon who ſhall tranſgreſs any of the Rules or Orders made or given in Purſuance of this Act, ſuch Tranſgreſſor ſhall forfeit and pay to the Treaſurer of the Town where the Offence ſhall be committed, the Sum of *Eight Pounds*.

Penalty for tranſgreſſing any orders made, &c. 8l.

And whenever any Perſon ſhall be brought to Trial for the Breach of this Act, in communicating or receiving the Small-Pox, aiding or aſſiſting therein, ſuch Perſon ſhall be deemed and adjudged guilty thereof, although the Complainant ſhall not be able to produce any other Proof than to render it probable; unleſs ſuch Perſon ſhall make Oath before the Court before whom ſuch Perſon is on Trial, that he or ſhe have not voluntarily, directly or indirectly, given or received ſaid Infection, either by inoculation or any Way or Means whatſoever: Which Oath the ſaid Court are hereby impowered to adminiſter. And all Informing Officers are hereby Impowered and required to inform againſt all and every Perſon and Perſons who ſhall tranſgreſs this Act, or any Rules and Orders made in Purſuance of this Act.

Burden of proof to lay on the delinquent.

May exculpate himſelf on oath.

*Be it further enacted by the Authority aforeſaid*, That wherever any Soldier, Sailor or Marine belonging to the Army or Navy of the United States, who is not an Inhabitant of this State, ſhall become ſick in any Town within this State, under ſuch Circumſtances that he cannot be removed, and unable to provide Things neceſſary for his Support, or procure the ſame from ſome Hoſpital or Perſon imployed in the Hoſpital or Medical Department of the United States, it ſhall be the Duty of the Select-men of ſuch Town to provide the Neceſſaries for the Support and Relief of ſuch Soldier, Sailor, or Marine in his Sickneſs, and the reaſonable Expences thereof, properly authenticated, being laid before the Governor and Council with the Name of ſuch Soldier, Sailor or Marine, the Company, Regiment, Ship or other Veſſel, and State to which he belonged, they are hereby authorized to order Payment of the Amount of ſuch Expence, or ſo much thereof as ſhall be by them allowed, and charge the ſame to the Account of the United States.

Sick ſoldiers and mariners how relieved, &c.

Accounts to be liquidated and payment ordered by governor and council, out of ſtate treaſury, &c.

## An Act for erecting and continuing a Sign-poſt in each Town in this State.

*Be it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That near the Center of every Town in this State, there ſhall be a Sign-poſt ſet up at the Town's Charge, and maintained in ſufficient Repair, on the Penalty of *Ten Shillings* per Month for any Town that ſhall neglect the ſame: One Half to the Informer that ſhall proſecute the ſame within ſix Months after ſuch Neglect, and the other Half to the County Treaſury; which Fine ſhall be recovered of the Select-men of the Town ſo neglecting.

A ſign-poſt to be kept near the center of every town.

Penalty for neglect.

At

Use of sign-posts.

At which Sign-Posts, Proclamations sent forth to be set up and published, Notices of Strays, Sales of Houses and Lands, and Advertisements of such like Occasions, shall be set up to be read.

Proviso.

*Provided nevertheless*, That there shall be erected and maintained for public Use, by the Town of *Watertown*, a Sign-Post in each of the Societies of *Weſtbury* and *Northbury*, in said Town, under the same Penalties which any other Town in this State is liable to, in similar Cases, upon non-performance; any Thing in this Act to the contrary in any wise notwithstanding.

## An Act to promote the making of Raw-Silk within this State.

Preamble.

*WHEREAS by the Experiments which have been made, it is highly probable that the making of Raw-Silk will be attended with much Advantage to the good People of this State.* Therefore,

Premium for planting mulberry-trees,

10s. per hundred.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same*, That from and after the first Day of *March*, *Anno Domini*, *One Thousand Seven Hundred* and *Eighty-four* to the first Day of *March*, *One Thousand Seven Hundred* and *Ninety-three* whoever shall plant One Hundred thrifty Shrubs or Saplings, of three or more Years Growth, of the white Mulberry-Tree, within this State, on his, her or their Land, at such Distances from each other as will be favourable for their Growth and for collecting their Leaves, shall receive at the end of every Year, and during the Term of three Years from and next after the Year in which such Saplings shall have been planted as aforesaid *Ten Shillings* lawful Money, and so in Proportion for every Hundred of such Saplings planted as aforesaid, upon Proof and Certificate thereof, as hereafter directed, that such Saplings were, at the end of every three Years after they were so planted, in a thrifty Condition; every such Certificate shall be given at the end of every of the three Years as aforesaid; and no Certificate shall be given for any Number of such Saplings but for one or more entire Hundreds, as the Case may be.

Premium on silk raised,

3d. per ounce

*Be it further Enacted*, That whoever shall make any Raw-Silk, from Worms and Mulberry-Trees of his own Raising, within this State, by properly winding the same from the Balls or Cacoons, after the said first Day of *March*, and for fifteen Years next thereafter, shall have and receive *three Pence* lawful Money, for each Ounce of such dry Silk, which he, she or they, shall make as aforesaid; every of which Bounties given by this Act shall be paid out of some Tax which has or shall be granted for the support of the Civil Government of this State.

Mode of obtaining the premium.

*Be it further Enacted*, That it shall be the Duty of any two Justices of the Peace, upon the Application of any Person or Persons claiming a Bounty by this Act, carefully to examine such Claim, and upon Proof that the same is well founded, shall give a Certificate to such Person or Persons claiming as aforesaid, living within their County, specifying on what Account such Bounty becomes due; and shall include in such Certificate, an Order on the Collector of that Town in which such Claimant or Claimants live, to pay such Bounty out of such Tax in his Hands for the support of Civil Government, as they shall direct; and every such Collector shall receive and pay such Order, and shall deliver the same over into the Hand of the Treasurer of this State, who shall thereupon discharge such Collector to the Amount of said Order on said Tax. And if such Collector shall not be able to pay such Order, he shall certify such Inability on the Back thereof, and in that Case the Treasurer of this State shall pay the same out of such Monies in his Hands for the support of Civil Government: And the Treasurer of this State shall keep a separate Account of all Monies paid by Virtue of this Act.

To be paid out of the tax for civil list.

*And be it further Enacted*, That if any Perſon or Perſons ſhall wilfully and knowingly procure more than one Order as aforeſaid, for any one Bounty to which he might be intitled by this Act, with a View to defraud this State, he ſhall, upon legal Conviction thereof, ſuffer the ſame Pains and Penalties as if he had been legally convicted of Forgery.

Forgery to procure more than one order, &c.

## An Act concerning Indian, Molatto, and Negro Servants and Slaves.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That whatſoever Negro, Molatto or Indian Servant or Servants ſhall be found wandering out of the Bounds of the Town or Place to which they belong, without a Ticket or Paſs in Writing under the Hand of ſome Aſſiſtant, or Juſtice of the Peace, or under the Hand of the Maſter or Owner of ſuch Negro, Molatto or Indian Servants, ſhall be deemed and accounted to be Run-aways, and may be treated as ſuch: And every Perſon inhabiting in this State, finding or meeting with any ſuch Negro, Molatto or Indian Servant or Servants not having a Ticket, as aforeſaid, is hereby impowered to ſeize and ſecure him or them, and bring him or them before the next Authority to be examined and returned to his or their Maſter or Owner, who ſhall ſatisfy the Charge accruing thereby.

Negro, molatto, or indian ſervants not to travel without a paſs, &c.

And all Ferry-men within this State, are hereby required not to ſuffer any Indian, Molatto or Negro Servant, without Certificate, as aforeſaid, to paſs over their reſpective Ferries, by aſſiſting them therein, directly or indirectly, on the Penalty of paying a Fine of *Twenty Shillings*, for every ſuch Offence, to the Owner of ſuch Servants.

Ferrymen not to tranſport ſuch on penalty of 20s.

And all Vagrants or ſuſpected Perſons may be uſed in the like Manner, when found wandering from Town to Town, having no Certificate or Paſs as aforeſaid; who ſhall be ſeized and conveyed before the next Authority, to be examined and diſpoſed of according to Law.

Vagrants, &c. to be taken up, &c.

And if any free Negroes ſhall travel without ſuch Certificate or Paſs, and be ſtopped, ſeized or taken up as aforeſaid, they ſhall pay all Charges a riſing thereby.

Free negroes not to travel without paſs.

*And for the preventing ſuch Servants from Stealing from their Maſters and others, and for the better governing them;*

*Be it further enacted by the Authority aforeſaid*, That every free Perſon which ſhall preſume, either openly or privately, to buy or receive of or from any Indian, Molatto or Negro Servant or Slave, any Money, Goods, Merchandizes, Wares of Proviſions, without Order from the Maſter or Miſtreſs of ſuch Servant or Slave; every Perſon ſo offending, and being thereof convicted, ſhall be ſentenced to reſtore all ſuch Monies, Goods, Wares and Proviſions unto the Party injured, in the ſpecific Articles (if not altered) and alſo forfeit to the Party double the Value thereof, over and above, or double the Value where the ſame are diſpoſed of, or not to be obtained: And if the Perſon ſo offending be unable to, or ſhall not make Reſtitution as aforeſaid, then to be publicly whipt with ſo many Stripes (not exceeding twenty) as the Court or Juſtice that hath Cognizance of ſuch Offence, ſhall order; or make Satisfaction by Service: To be aſſigned therein by ſuch Court or Juſtice.

Perſons prohibited from trading with ſervants,

On penalty, &c.

And every Indian, Negro or Molatto Servant or Slave, of, or from whom ſuch Money, Goods, Merchandizes, Wares or Proviſions ſhall be received or bought, if it appear they were ſtolen, or that ſhall ſteal any Money, Goods, Merchandizes, Wares or Proviſions, and be thereof convicted, (although the Buyer or Receiver be not found) ſhall be puniſhed by Whipping, not exceeding thirty Stripes, and the Things ſtolen to be reſtored to the Party injured, if found, or the Value thereof if not found: To be determined as aforeſaid.

Indian ſervants, &c. ſtealing to be whipped.

That if any Negro, Molatto or Indian Servant or Slave, ſhall be found abroad from Home in the Night-ſeaſon, after nine of the Clock, without ſpecial Order from his or their Maſter or Miſtreſs, it ſhall be lawful for any Perſon or Perſons, to apprehend and ſecure ſuch Negro, Molatto or Indian Servant or Slave, ſo offending, and him, her, or them, bring before the next Aſſiſtant or Juſtice of the Peace; which Authority ſhall have full Power to paſs Sentence upon ſuch Servant or Slave, and order him, her, or them, to be publicly whipped on the naked Body, not exceeding ten Stripes, and to pay Coſt of Court; except his or their Maſter or Miſtreſs ſhall redeem them, by paying a Fine not exceeding *Ten Shillings*.

Servants, &c. not to go abroad after 9 o'clock at night, unleſs, &c.

And if ſuch Servant or Slaves ſhall have Entertainment in any Houſe after nine of the Clock, as aforeſaid, (except to do any Buſineſs they may be ſent upon) the Head of the Family that entertains, or tolerates them in his or her Houſe, or any the Dependences thereof, ſhall forfeit and pay the Sum of *Ten Shillings*: One Half to the Complainer, and the other Half to the Treaſurer of the Town where the Offence is committed.

Penalty for entertaining ſervants, &c.

*And whereas the increaſe of Slaves in this State is injurious to the Poor, and inconvenient:*

*Be it further enacted by the Authority aforeſaid*, That no Indian, Negro or Molatto Slave, ſhall at any Time hereafter, be brought or imported into this State, by Sea or Land, from any Place or Places whatſoever, to be diſpoſed of, left or ſold within this State.

No ſlaves to be bro't into this ſtate.

*Be it further enacted by the Authority aforeſaid*, That any Perſon or Perſons who ſhall hereafter, contrary to the true Intent of this Act, import or bring any Indian, Negro, or Molatto Slave or Slaves into this State, to be diſpoſed of, left or ſold within the ſame, or who knowing ſuch Slave or Slaves to be ſo imported and brought into this State, ſhall receive and purchaſe them, or any of them, ſhall forfeit and pay to the Treaſurer of this State the Sum of *One hundred Pound* lawful Money, for every Slave ſo imported brought into this State, received or purchaſed; to be recovered by Bill Plaint, or Information, in any Court of Record proper to try the ſame And that it be the Duty of all Conſtables and Grand-jurors, to enquire after, and make Preſentment of all Breaches of this Act.

Penalty on importers or purchaſers of ſlaves.

And that all Slaves ſet at Liberty by their Owners, and all Negro, Molatto, and Spaniſh Indians who are Servants to Maſters for Time, in Case they come to Want, after they ſhall be ſet at Liberty, or the Time of their ſaid Service be expired, ſhall be relieved by ſuch Owners or Maſters reſpectively, their Heirs, Executors, or Adminiſtrators; and upon their, or either of their Refuſal ſo to do, the ſaid Slaves and Servants ſhall be relieved by the Select-men of the Towns to which they belong; and the ſaid Select-men ſhall recover of the ſaid Owners or Maſters, their Heirs, Executors or Adminiſtrators, all the Charge and Coſt they are at for ſuch Relief, in the uſual Manner, as in Caſe of any other Debts.

Slaves ſet free to be maintained by their late owners in caſe they come to want.

*Proviſo*, That if any Maſter or Owner of any Servant or Slave, ſhall apply to the Select-men of the Town to which he belongs, for Liberty or Licence to emancipate or make free any ſuch Servant or Slave, it ſhall be the Duty of ſuch Select-men to enquire into the Age, Abilities, Circumſtances and Character of ſuch Servant or Slave, and if they or the major Part of them, ſhall be of Opinion that it is likely to be conſiſtent with the real Advantage of ſuch Servant or Slave, and that it is probable that the Servant or Slave will be able to ſupport his or her own Perſon, and that he or ſhe is of good and peaceable Life and Converſation; ſuch Select-men or the major Part of them, ſhall give to the Owner or Maſter of ſuch Servant or Slave, Certificate under their Hands, of their Opinion in the Premiſes and that the Maſter or Owner of ſuch Servant or Slave, hath Liberty to emancipate and ſet at Liberty ſuch Servant or Slave. And if the Maſter or Owner of any Servant or Slave, ſhall, on receiving ſuch Certificate

Proviſo.

Owners of emancipated ſlaves freed from charge, on certificate being procured, &c.

emancipate

emancipate and ſet at Liberty ſuch Servant or Slave, he, his Heirs, Executors and Adminiſtrators, ſhall be forever diſcharged from any Charge or Coſt, which may be occaſioned by maintaining or ſupporting the Servant or Slave, made free as aforeſaid; any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

*And whereas ſound Policy requires that the Abolition of Slavery ſhould be effected as ſoon as may be, conſiſtent with the Rights of Individuals, and the public Safety and Welfare.* Therefore,

*Be it enacted by the Authority aforeſaid*, That no Negro or Molatto Child, that ſhall, after the firſt Day of *March*, *One thouſand ſeven hundred and eighty-four*, be born within this State, ſhall be held in Servitude, longer than until they arrive to the Age of twenty-five Years, notwithſtanding the Mother or Parent of ſuch Child was held in Servitude at the Time of its Birth; but ſuch Child, at the Age aforeſaid, ſhall be free; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

All born after 1ſt Mar. 1784, to be free at the age of 25.

## An Act for forming, ordering, and regulating Societies.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the ſettled and approved Inhabitants, qualified as is hereafter in this Act provided, in each reſpective Society made, or that ſhall be made, and conſtituted by this Aſſembly, ſhall meet and aſſemble together, annually, ſometime in the Month of *December*, or in any other Month in the Year, as they ſhall judge moſt convenient, at ſome Place in ſuch Society, according to the Notice thereof, to be given them at leaſt five Days before ſuch Meeting, by the Committee for ordering the Affairs of the Society, or for want of ſuch Committee, by the Clerk of the Society.

Inhabitants to meet annually, &c. on five days notice.

And the Inhabitants being legally aſſembled, are impowered by the Vote of the major Part of them preſent, to chooſe a Moderator, a Society Clerk, and three or more diſcreet, able Inhabitants, to be a Committee to order the Affairs of the Society for the Year enſuing; which Clerk ſhall take the Oath by Law provided for Society Clerks; and being ſo qualified, ſhall have the ſame Powers and Authorities, as to the Buſineſs of the ſaid Society, as the Town Clerks have in the reſpective Towns; and his Doings ſhall be as effectual in Law: And the ſaid Society Clerk, being choſen and ſworn, ſhall continue in his Office until another be choſen and ſworn in his Room.

To chooſe moderator, clerk and committee.

Clerk to be ſworn.

And alſo to chooſe a Society Treaſurer, who ſhall be under the ſame Regulation, and have the ſame Power and Authority in ſaid Societies, as Town Treaſurers have in their reſpective Towns.

Alſo ſociety treaſurer.

And alſo the ſaid Inhabitants in their lawful Meetings, by their major Vote, as aforeſaid, ſhall have Power to grant and lay ſuch Rates and Taxes on the Inhabitants of ſuch Society, and others by Law rateable by ſuch Society, for the raiſing ſuch Sum or Sums of Money, as may be needed for the ſupport of the Miniſtry, and School there, and other Matters neceſſary for them to do; and to appoint Committees for ſuch Purpoſes as their Occaſions call for, as the Law directs: And to chooſe and appoint a Collector or Collectors for the gathering ſuch Rates and Taxes. And every Collector ſo choſen that ſhall refuſe to ſerve, ſhall ſuffer the ſame Penalty as is provided by Law in Caſe of Town Officers refuſing to ſerve in the Offices to which they are choſen.

To grant rates and levy taxes.

That when any Society or Societies are legally ſet off in any Town or Towns in this State, whereby ſuch Town or Towns are divided into ſeparate Societies, ſuch new Society ſo ſet off, and alſo the remaining Part or firſt Society in any Town may, in order to their being formed and furniſhed with proper Officers, warn their firſt Meeting in the following Manner, viz. An Aſſiſtant or Juſtice of the Peace, together with three principal Inhabitants

New ſocieties how warned to meet the firſt time.

in any ſuch firſt Society, or in any ſuch other Society ſet off as aforeſaid, ſhall grant a Warrant under their Hands, to ſome proper Perſon by them deputed to warn all the Inhabitants in the Limits of ſuch firſt or other Society, to meet together at ſuch Time and Place as they ſhall appoint: The ſaid Warning to be given five Days before ſuch Meeting; and being ſo met, ſhall and may act and do all and every Thing lawful and proper for a Society to do as before in this Act is provided.

Such inhabitants as have the goſpel preached for certain months, &c.

That ſuch Inhabitants of Towns and Societies as have obtained or hereafter ſhall obtain Liberty of the General Aſſembly to procure, and have the preaching of the Goſpel among themſelves for certain Months in the Year, diſtinct and ſeparate from the eſtabliſhed Place of Worſhip in ſuch Town or Society to which they belong, ſhall and may, when and ſo often as there may be Occaſion, meet together at ſuch Time and Place as ſhall be appointed, and according to the Notice thereof to be given them at leaſt five Days before ſuch Meeting, by their Committee, or for want of Committee, by one of the ſaid principal Inhabitants; and being ſo aſſembled, may chooſe a Clerk to enter their Votes, and alſo a Committee of three or more able, diſcreet Men, of the Inhabitants aforeſaid, to order the prudential Affairs of ſuch Precincts, for the End aforeſaid; and may by their major Vote in ſuch their Meetings, grant and lay ſuch Rates and Taxes on the ſaid Inhabitants as ſhall be needful for the Support of the Miniſter whom they ſhall procure to preach with them for ſuch Time, and for other neceſſary Charges ariſing among them; and to appoint a Collector or Collectors for the gathering ſuch Rates; who ſhall have the ſame Power to proceed in collecting the ſame as Collectors of Societies have, and ſhall be accountable therefor in the ſame Manner as Collectors of Society Rates by Law are.

Their privileges and power.

*And for the preventing Diſputes about the Votes made in Society Meetings, and for the determining the Qualification of Voters therein:*

Who have right to vote.

*Be it further enacted by the Authority aforeſaid*, That no Perſon ſhall preſume to vote in any Society Meeting, aforeſaid, unleſs ſuch Perſon hath a Freehold in the ſame Town or Society, rated at *Fifty Shillings*, or *Forty Pounds* in the common Liſt, or is a Perſon of full Age, and in full Communion with the Church; nor ſhall any Perſon who is or ſhall be by the Laws of this State, freed or exempted from the Payment of thoſe Taxes, granted by any Town or Society, for the Support of the Worſhip and Miniſtry of the preſbyterian, congregational or conſociated Churches in this State, and for the building and maintaining Meeting-Houſes for ſuch Worſhip, on Account or by Reaſon of his diſſenting from the Way of Worſhip and Miniſtry aforeſaid, be allowed or admitted to act or vote in any Town or Society Meeting, in thoſe Votes which reſpect or relate to the Support of the Worſhip and Miniſtry aforeſaid, and the building and maintaining of the Meeting-Houſes aforeſaid.

Acts valid without, &c.

And the Acts and Votes of ſuch Town and Society Meetings, paſſed without computing Perſons not qualified as above is expreſſed, and the Acts and Votes reſpecting the Support of the Worſhip and Miniſtry, and Meeting-Houſes aforeſaid, made and paſſed without computing the Votes of ſuch exempt Perſons, ſhall be deemed and accounted the Acts and Votes of ſuch Town and Society; any Law, Uſage or Cuſtom, to the contrary in any wiſe notwithſtanding.

Society clerks, &c. refuſing, others to be choſen.

*And be it further Enacted*, That upon the Refuſal, Death or Removal, of any Society Clerk, or other ordinary Society Officer in any Society in this State, ſuch Society may aſſemble together, and chooſe a New to fill up ſuch vacant Place.

*And be it further enacted by the Authority aforeſaid*, That the Fines by Law inflicted on Perſons choſen to any Society Office, and who do not accept or execute ſuch Office, ſhall be paid to the Treaſury of ſuch Society; and ſhall be recovered by Action brought in the Name of the Committee of

ſuch

ſuch Society; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon, who is not duly qualified according to this Act, to vote in any Society Meeting, ſhall adventure to act, deal or intermeddle, or preſume to vote in any Society Meeting, for the Choice of Officers, granting of Rates, or any other Affairs whatſoever, ſuch Offender ſhall forfeit the Sum of *Fifteen Shillings* for every ſuch Offence; to be levied by Diſtreſs and Sale of the Offender's Goods; one Half thereof to the Complainer, who ſhall proſecute to Effect, the other Half to the Treaſurer of ſuch Society wherein ſaid Offence is committed.

Penalty on unqualified voters, &c.

*And be it further enacted by the Authority aforeſaid*, That where two or more Societies, conſtituted by Act of the General Aſſembly, have the ſame Limits and Boundaries, the Members belonging to each ſhall be deſignated by inrolling their Names with the Clerk of the Society to which they reſpectively belong; and it ſhall be the Duty of the ſaid Clerks to inrol the ſame accordingly.

Where ſocieties are not diſtinguiſhed by local limits, to be deſignated by enrollment.

And all Perſons who ſhall arrive at the Age of twenty-one Years, or Women who ſhall become Widows, dwelling within the Limits of ſuch Societies, ſhall have Liberty at any Time within twelve Months after ſaid Times reſpectively, to elect which Society they will belong to: And all Perſons that ſhall come from any other Place, to dwell within the Limits of ſuch Societies, may at any Time elect which Society he or they will belong to; which Election ſhall be manifeſted by cauſing his or their Name or Names to be inrolled with the Clerk of the Society to which they join: And in caſe of Non-election within the Time limited by this Act, the Perſons brought up within ſaid Limits ſhall belong to that Society to which their Parents belonged, (if they dwelt there) otherwiſe to the Society to which the Head of the Family in which they were brought up, belonged; and Widows, to the Society to which their Huſbands did belong: And Perſons who come from any other Place to dwell there, ſhall be taxed by the Society loweſt in the Liſt within ſuch Limits, which ſupport the Miniſtry by taxing, until they make their Election, as aforeſaid.

In caſe they make no election, how to be conſidered &c.

And all Perſons who have or ſhall become legal Members of any ſuch Society, ſhall continue Members of the ſame, during their Continuance within the Limits thereof, unleſs releaſed by Act of the General Aſſembly, Vote of ſuch Society, and joining to another Society within the ſame Limits; which Releaſe ſuch Society is hereby authorized to grant, by a legal Vote in their Meeting, if they think fit, on Application of any Perſon deſiring the ſame.

To continue to that ſociety whereof they are legal members, unleſs, &c.

*Provided*, That nothing in this Act ſhall affect the Privileges allowed by Law to any Perſons who ſoberly diſſent from the Worſhip and Miniſtry eſtabliſhed by the Laws of this State.

Proviſo.

## An Act appointing Stocks to be made and maintained in the ſeveral Towns in this State.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That every Town in this State ſhall make and maintain at their own Charge, a good pair of Stocks, with a Lock and Key, ſufficient to hold and ſecure ſuch Offenders as ſhall be ſentenced to be ſet therein.

Towns to provide ſtocks.

And if any Town ſhall at any Time be without a pair of Stocks, as aforeſaid, the Select-men of ſuch Town ſhall forfeit the Sum of *Six Shillings* to the County Treaſury, and ſo the ſame Sum for every Month ſuch Town ſhall be defective therein: to be heard and determined by one Aſſiſtant or Juſtice of the Peace; or by the County Court, when the Forfeitures amount to a Sum above the Cognizance of an Aſſiſtant or Juſtice of the Peace.

Penalty for neglect, 6s. per month.

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## An Act concerning Strays and loſt Goods.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whoſoever ſhall take up any ſtray Beaſt, or find any loſt Goods, being worth *Two Shillings*, whereof the Owner is not known, he ſhall carry a true Deſcription of ſuch ſtray Beaſt or loſt Goods, with the natural and artificial Marks thereof, to the Regiſter of the Town where ſuch Goods or Beaſt were found, within fourteen Days after the finding ſuch Goods or Beaſt; who ſhall regiſter the ſame, with the Name of the Perſon in whoſe Keeping ſuch Goods or Beaſt ſhall be; to the End the Owner thereof, by applying to ſaid Regiſter may have Notice thereof; upon Penalty that the Perſon ſo finding or keeping ſuch Goods or Beaſt, and failing of his Duty therein ſhall, for ſuch Default forfeit the Value of ſuch loſt Goods or ſtray Beaſt; one Half to the Complainer and the other Half to the Town Treaſury.

Strays or loſt goods found, how to be proceeded with, &c.

On penalty of, &c.

And if the Owner ſhall appear within ſix Months after the regiſtering ſuch loſt Goods or ſtray Beaſt, and make good his Title and Claim, he ſhall have Reſtitution of the ſame, he paying all neceſſary Charges for the Pains and Care taken about ſuch Goods or Beaſt, as the next Aſſiſtant or Juſtice of the Peace ſhall adjudge.

Owners appearing in ſix months, &c. to have reſtitution.

And if no Owner ſhall appear within the ſaid ſix Months, the Regiſter aforeſaid ſhall appoint two Freeholders, who ſhall under Oath appraiſe ſaid Goods or Beaſt, according to the then preſent true and juſt Value thereof in Money.

Otherwiſe to be appraiſed.

And if the Owner ſhall appear within ſix Months next after ſuch Appraiſement, and make good his Title and Claim, as aforeſaid, and pay all neceſſary Charges for the Pains and Care taken about ſuch Goods or Beaſt to that Time, (to be adjudged of as aforeſaid) he ſhall have Reſtitution of the ſame, or the Value thereof, at the Election of the Finder, according to the Appraiſement aforeſaid.

No owner appearing in ſix months after, how diſpoſed of.

And if no Owner ſhall appear within twelve Months and a Day, after the regiſtering of ſuch loſt Goods or ſtray Beaſt, the Value thereof, according to the Appraiſement aforeſaid, ſhall, after all juſt Dues to the Keeper, Finder, and Regiſter are defrayed, be to the Uſe of the Treaſury of the Town where ſuch Goods or Beaſt were found.

Or 12 months then, &c.

And the Select-men of ſuch Town are hereby fully impowered to recover and receive the ſame for the Uſe of ſaid Town.

Select-men to recover, &c.

*Always provided*, That the Keeper of ſuch loſt Goods or ſtray Beaſt, being faithful in his taking Care of them, ſuch Goods or Beaſt ſhall be at the Riſque of the Owner thereof, during the firſt ſix Months after ſuch Goods or Beaſt are firſt regiſtered.

Proviſo.

And that no Beaſt ſhall be taken up as a Stray, except it be found in ſuffering Condition.

No ſtray to be taken up unleſs, &c.

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## An Act to enable the Subjects of his Moſt Chriſtian Majeſty, to transfer and ſettle ſuch of their Eſtates and Property as is or ſhall happen to fall within this State

*WHEREAS the Congreſs of the United States of* America, *on the 14th of January, 1780, did Reſolve, That it be recommended to the Legiſlatures of the aforeſaid United States, to make Proviſion, where not already made, for conferring on the aforeſaid Subjects of his Moſt Chriſtian Majeſty, the Privilege of diſpoſing and ſettling their Eſtates, agreeable to the Form and Spirit of the thirteenth Article of the Treaty of Amity and Commerce between his Moſt Chriſtian Majeſty and the United States of* America:

Preamble.

BE

*BE it therefore enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the Subjects of his Moſt Chriſtian Majeſty ſhall be, and they are hereby impowered to transfer and diſpoſe of ſuch of their Eſtates and Property as ſhall happen to be within the Limits of this State. And that the Eſtate and Property of ſuch of ſaid Subjects as are or may be deceaſed, being within the State aforeſaid, ſhall deſcend to, and become the Eſtate of the Heirs and legal Repreſentatives of ſuch deceaſed Perſon, according to the Laws, Uſage and Cuſtom of the Kingdom of *France*, relative thereto; and ſuch Eſtate ſo deſcending ſhall and may be ſettled agreeable to the Laws that are or ſhall be made relative thereto, without being obliged to obtain Letters of Naturalization: And that the aforeſaid Subjects of his Moſt Chriſtian Majeſty, ſhall have, hold and enjoy on their Part, within this State, the Privileges and Immunities mentioned in ſaid Articles of Treaty, according to the Form and Spirit thereof.

Privileges granted to the ſubjects of his moſt chriſtian majeſty.

## An Act for appointing County Surveyors in the ſeveral Counties and for directing and regulating them in the Execution of their Office.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That there ſhall be appointed by the General Aſſembly, from Time to Time, as there ſhall be Occaſion, one or more Perſons in each County in this State, to be Public, or County Surveyor or Surveyors for laying out of Lands, and for the renewing of the Bounds of Lands already laid out, according to their original Grants, as Need ſhall require; and for the running of Lines, and other Services proper for a Surveyor to do; who ſhall be ſufficiently ſkilled in the Surveyors Art, and be furniſhed with Inſtruments ſuitable and ſufficient for that Service. Each of which Surveyors ſhall take the Oath by Law provided for them: And being appointed and qualified as aforeſaid, ſhall have full Power and Authority to execute ſaid Office in the reſpective Counties for which they are or ſhall be appointed.

One or more ſurveyors for each county.

That when and ſo often as any County Surveyor ſhall be employed in laying out any Grants of Land, renewing Boundaries that are loſt, or running any Lines, or doing any Service in his Office, and there be Occaſion for carrying the Chain to Meaſure the Lines, that the Men employed to carry the Chain ſhall take the Oath by Law appointed for them: Which Oath ſuch Surveyor is hereby fully impowered to adminiſter to ſuch Chainmen as he calls to his Aſſiſtance, as aforeſaid.

Chainmen to aſſiſt.

That when a County Surveyor is called out to run any Line between adjoining Proprietors, and that in order to find the Courſe from Boundary to Boundary, he is obliged to run a random Line to find the certain and true Courſe, and in ſo doing, runs on the Land of adjoining Proprietors, ſuch Surveyors ſhall not be deemed guilty of Treſpaſs in ſo running ſuch random Line; but may lawfully do the ſame. *Provided*, He do ſaid Service in either of the Months of *March*, *April*, *October* or *November*.

No treſpaſs, &c.

Proviſo.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall by any Way or Means oppoſe, hinder or interrupt any County Surveyor in the due Execution of his Office, as aforeſaid; or ſhall by any Ways or Means oppoſe, hinder, or interrupt any Committee appointed by the General Aſſembly to run, fix, or aſcertain the Bound Line between particular Townſhips or Proprietors, or for other Buſineſs, or any other Perſon to them employed to aſſiſt in the running and fixing any ſuch Lines, or doing any other Buſineſs ſuch Committee are appointed to do, every ſuch

Penalty for reſiſting ſurveyors in the execution of their office.

Offender

Offender ſhall incur the Penalty of *Five Pounds*, and be bound to his good Behaviour, with one or more Sureties, at the Diſcretion of the Court that hath Cognizance of ſuch Offence: The one Moiety of which Penalty to be to the Treaſurer of the County wherein the Offence is committed, and the other Moiety to the Proſecutor.

## An Act againſt profane Swearing and Curſing.

Penalty for ſwearing, &c. 6s.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon within this State, ſhall ſwear raſhly, vainly or profanely, either by the holy Name of God, or any other Oath: Or ſhall ſinfully and wickedly curſe any Perſon or Perſons, ſuch Perſon ſo offending, ſhall upon Conviction thereof before any one Aſſiſtant or Juſtice of the Peace, forfeit and pay for every ſuch Offence the Sum of *Six Shillings*.

If unable to pay, &c. to be ſet in the ſtocks.

And if ſuch Perſon or Perſons ſo convict, ſhall not be able, or ſhall refuſe to pay the aforeſaid Fine, he or they ſhall be ſet in the Stocks, not exceeding three Hours, and not leſs than one Hour for one Offence, and pay Coſt of Proſecution.

## An Act for reſtraining Swine from going at large.

Swine not to run at large, &c.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That no Swine ſhall be allowed to go at large on the High-ways, or Commons in this State; and if any Perſon or Perſons, ſhall allow their Swine to go at large on the High-ways or Commons aforeſaid, it ſhall be the Duty of the Haywards in the ſeveral Towns in this State, and it ſhall be lawful for any other Perſon or Perſons, to impound ſuch Swine; and the Owner or Owners of ſuch Swine, ſhall pay the Poundage thereof, by Law allowed, before they are releaſed out of Pound.

Proviſo.

*Always provided*, That every Town in this State ſhall have Liberty to agree otherwiſe, in their own Precincts, reſpecting the Swine in ſuch Town.

Proviſo.

*Provided nevertheleſs*, That if the Swine (of ſuch Town ſo agreeing) ſhall at any Time come within the Bounds of any other Town, they ſhall in all Reſpects be under the Regulation of this Act, as fully as if no ſuch Agreement had been made; unleſs ſuch other Town whereinto ſuch Swine ſhall come as aforeſaid, ſhall alſo agree as aforeſaid.

## An Act for licencing and regulating Houſes of public Entertainment, or Taverns; and for ſuppreſſing unlicenced Houſes.

Tavern-keepers when and how nominated.

BE *it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Civil Authority, Select-men, Conſtables, and Grand-jury-men, in the reſpective Towns in this State, ſhall ſome Time in the Month of *January* annually, convene together and nominate the Perſon or Perſons whom they, or the major Part of them think fit and ſuitable to keep an Houſe or Houſes of public Entertainment in the ſaid Town, for the enſuing Year: And if any of the Perſons ſo nominated ſhall die, or refuſe or neglect to take out Licence, or be denied Licence by the County Court, or ſhall remove from the Place where he dwelt when nominated, or ſhall be legally ſuſpended; or in caſe the Authority and other Officers ſhall judge it to be of public Convenience and Neceſſity to add to the Number nominated in *January*; in either of ſaid Caſes they may convene on proper Notice, and nominate any ſuitable Perſon or Perſons

Perſons for the Purpoſe aforeſaid, at any Time within the Year: Which Nomination ſhall be ſent by them to the next County Court in that County, certified under the Hands of a majority of the Civil Authority, and of the Select-men in ſuch Town; which Court ſhall grant Licences to ſuch Perſons nominated, or to ſo many of them as ſaid Court ſhall judge to be ſuitable and neceſſary to keep Houſes of public Entertainment, and to no others; which Licences granted to the Perſons nominated in *January*, ſhall be in Force for one Year, and no more; and the Licences granted to the Perſons afterwards nominated, ſhall expire at the ſame Time as thoſe granted to the Perſons nominated in *January*: And the ſaid Court ſhall take a Bond to the Treaſurer of the County, in the Sum of *Twenty Pounds*, of every Perſon to whom ſuch Licence ſhall be granted, for the due Obſervance of all the Laws that are or ſhall be made reſpecting Tavern-keepers, or Houſes of public Entertainment.

County court to grant licences.

Bonds to be taken.

And if it ſhall ſo happen that any Town be deſtitute of Civil Authority in it, at the Time of ſuch Nomination, the ſaid Nomination in ſuch Town ſhall be made by the aboveſaid Town Officers.

Nomination to be made if no authority preſent.

*Be it further enacted by the Authority aforeſaid*, That no Perſon or Perſons licenced as aforeſaid, ſhall ſuffer any, either Men's Sons under Age, or Apprentices, Servants or Negroes, to ſit drinking in his or her Houſe, or to have any manner of ſtrong Drink there, without ſpecial Order or Allowance of their reſpective Parents or Maſters; on Pain of forfeiting the Sum of *ſix Shillings* for every ſuch Offence.

Penalty for ſuffering children and ſervants to ſit tipling, &c.

Nor ſhall any ſuch licenced Perſon or Perſons allow or ſuffer any Heads of Families, or ſingle Perſons being Boarders, or Sojurners, or any young Perſons, or other Inhabitants whatſoever under the Government of Parents, Guardians or Maſters (Strangers and Travellers only excepted) to convene and meet together in Company or Companies in his or her Houſe, in the Evening next before or next following the Lord's-Day, or any public Day of Faſting; on Pain of forfeiting the Sum of *forty Shillings* for every ſuch Offence.

Nor young people or other inhabitants, ſabbath day or faſt day evenings, on penalty.

*Always provided*, That if ſuch licenced Perſon ſhall make it appear on Trial, to the Satisfaction of the Court, that he or ſhe did, at the Time of the Meeting of ſuch Perſons, as aforeſaid, in his or her Houſe, forbid their Continuance there; and on their Refuſal immediately to depart, did alſo apply to the next Authority, or Conſtable in the Place, to break up ſuch diſorderly Meetings, that then ſuch licenced Perſon or Tavern-keeper ſhall be excuſed from ſaid Penalty for that Time.

Proviſo.

That if any Inhabitant or Perſon belonging to any Town, ſhall be found in any Tavern or licenced Houſe in ſuch Town at any Time, either in the Night next before, or the Night next after the Lord's-Day, or after nine of the Clock in any other Night, (except ſuch Perſon or Perſons ſhall ſatisfy the Authority before whom they may be brought, that there was a proper Reaſon, or an extraordinary Occaſion for their being there at ſuch Time) and be thereof convicted before ſuch Authority, ſhall incur the Penalty of *three Shillings*.

Penalty for any perſon found in a tavern after 9 o'clock, on, &c.

That the Conſtables (or any other Perſon having a ſpecial Warrant from Authority for that End) ſhall have Power, and they are each of them hereby empowered to enter into and ſearch any Tavern or licenced Houſe; and for that End to require Aſſiſtance, and to break open any Lock or Door, as he ſhall judge there is Occaſion; and ſhall command and cauſe any Inhabitant or Perſon belonging to the Town where ſuch Houſe is, who ſhall be found there contrary to this Act, to depart forthwith: And all ſuch Perſons as ſhall refuſe to depart on a Command ſo given them, ſhall and may be arreſted by ſuch Conſtable, or Perſon having ſuch ſpecial Warrant, and ſafely kept till they can be brought before an Aſſiſtant or Juſtice of the Peace: And every Conviction of the Breach of this Act, ſhall ſuffer the Penalty of *Six Shillings*.

Conſtables, &c. to ſearch, &c.

No taverner to allow inhabitants to ſit drinking in his houſe, &c.

Nor ſhall any Tavern-keeper ſuffer any Inhabitant of ſuch Town where he dwells, or coming there from any other Town, to ſit drinking or tipling in his or her Houſe, or any of the Dependencies thereof, or to continue there above the ſpace of one Hour at one Time, (Travellers, Perſons upon Buſineſs, or any extraordinary Occaſions there, excepted) on the Penalty of Six *Shillings* for every ſuch Offence ſuch Tavern-keeper ſhall be guilty of.

Tavern haunters to be poſted, &c.

*Be it further enacted by the Authority aforeſaid*, That when and ſo often as the Authority, Select-men and Grand-jury-men in any Town, or where there is no Aſſiſtant or Juſtice living in any Town, the Select-men and Grand-jurors ſhall underſtand that any Perſon in ſuch Town is a Tavern-haunter, or ſpends his Time idly at any ſuch Houſe of Entertainment, they, or the major Part of them ſhall, at their Diſcretion, cauſe the Names of ſuch Tavern-haunters to be poſted at the Doors of every Tavern in the ſame Town, by ſetting up a Certificate under their Hands, forbidding every Tavern-keeper in ſuch Town, on the Penalties contained in this Act, to entertain, or ſuffer any ſuch Perſon or Perſons therein named, to have or drink any ſtrong Liquor in, or about their Houſes, until ſuch Authority, Select-men and Grand-jurors ſhall agree to take off ſuch Prohibition.

Penalty on tavern-keepers.

And that if any Tavern-keeper ſhall, after ſuch Poſting of any Perſon's Name, and Notice thereof given by any of the ſaid Select-men or Grand-jurors, ſuffer or permit any Perſon poſted as aforeſaid, to drink any Rum, Wine, or other ſtrong Liquor in or about his Houſe, or in any of the Dependencies thereof, he ſhall pay as a Fine, the Sum of *Three Pounds*.

Tavern-haunters to find ſureties, &c.

And in caſe the Perſon or Perſons warned as aforeſaid, ſhall not after ſuch Warning, leave off and forbear ſuch their evil Practices, the Authority ſhall cauſe ſuch Perſon or Perſons to appear before them, and demand Surety for their well-behaving therein; and in caſe ſuch Perſon or Perſons ſhall not find Sureties as aforeſaid, then he or they ſhall each one pay a Fine of *Two Shillings*, or ſit in the Stocks for the Space of two Hours, on ſome public Time or Seaſon.

Conſtables duty to inſpect, &c.

*Be it further enacted by the Authority aforeſaid*, That the Conſtables and Grand-jurors in each Town ſhall, and they are hereby required carefully to inſpect all Taverns or licenced Houſes in ſuch Town, and make due Preſentment to the Civil Authority of all Perſons who ſhall be found tranſgreſſing this Act, or any Part thereof; and alſo warn all Tavern-keepers to obſerve this Act, and all other Laws reſpecting the Regulation of licenced Houſes; and that they do not entertain any of the Inhabitants of the Town where they dwell, contrary to Law.

Tavern-keepers not obſerving the laws, to be preſented to the county court, &c.

And if the ſaid Officers ſhall find that ſuch Tavern-keepers do not obſerve the Laws aforeſaid, nor keep due Order, then they ſhall make Preſentment thereof to the next County Court in the County at their firſt ſitting; and ſuch Court ſhall cauſe the Perſon ſo preſented forthwith to appear before them, to anſwer to ſuch Preſentment: And if upon Trial ſuch Tavern-keeper be found guilty, the Court ſhall enter up Judgment for the forfeiture of the Bond given, or procured to be given by ſuch Perſon, for his or her due obſervance of the Laws reſpecting Tavern-keepers, and Coſts; And ſuch Perſon ſhall forthwith before ſaid Court, enter into Bond of *Twenty Pounds*, in the Tenor of the former Bond, which ſhall be proſecuted in like Manner, in caſe of Forfeiture.

When a preſentment is made, &c.

And that whenſoever in a Preſentment made as aforeſaid, it ſhall be aſſerted that the Perſon preſented had been warned as aforeſaid, by ſuch Conſtable or Grand-jurors, ſuch Preſentment ſhall be ſufficient Evidence that ſuch Warning was given: And the Officers making ſuch Preſentment ſhall be ordered by ſaid Court to attend the Trial, and be allowed to give Evidence for the Proof of the Diſorders complained of; and ſhall by ſaid Court be allowed a meet Recompence for their Trouble and Charge.

*Be it further enacted by the Authority aforeſaid*, That it ſhall be the Duty

the Civil Authority and Select-men of the ſeveral Towns in this State, to inſpect the Conduct of the Taverners or Innholders within their reſpective Towns; and when it ſhall appear to them by their own Obſervation, or the Information of any Informing Officer or otherwiſe, that any ſuch Tavern-keeper does not duly obſerve the Laws for regulating Houſes of public Entertainment but ſuffers Diſorders and Irregularities to be practiced in his or their Houſes, contrary to Law; ſuch Authority and Select-men, or the major Part of them, are hereby authorized and directed to cite ſuch Tavern-keeper before them, and examine into the Matters alledged or complained of by any proper Evidence; and on finding ſuch Tavern-keeper in Fault, may duly admoniſh him or them for ſuch Miſconduct; or as the Caſe may be, they may, and are hereby impowered to ſuſpend ſuch Tavern-keeper's Licence until the next Seſſion of the County Court, of the County wherein ſuch Tavern-keeper dwells; and ſhall cauſe a Copy of ſuch Order of Suſpenſion to be left with ſuch Taverner, and thereupon ſuch Tavern-keeper's Licence ſhall be wholly ſuſpended accordingly; and his or her Houſe under the ſame Reſtraints in that Behalf, as other unlicenced Houſes by Law are.

Duty of the civil authority, &c.

to examine,

to admoniſh,

to ſuſpend in caſe, &c.

*And be it further Enacted*, That ſaid Authority and Select-men ſhall certify their Doings to ſaid County Court, and ſaid Court are authorized, upon due Application by ſuch Tavern-keeper, to conſider ſaid Cauſe, and may remove ſaid Suſpenſion, or continue the ſame until the Expiration of the Year for which ſuch Licence had been granted, as on due Enquiry ſhall appear to be juſt and reaſonable; and if no ſuch Application ſhall be made to ſaid Court, ſuch Suſpenſion ſhall remain and continue in Force until the Expiration of the Year, as aforeſaid.

To certify their doings to the county court, &c.

*And be it further Enacted*, That in all Proſecutions on this Act before ſuch Authority and Select-men, wherein ſuch Tavern-keeper ſhall be found in Fault and ſuſpended, he ſhall pay reaſonable and neceſſary Coſts, to be taxed by one or more of ſaid Civil Authority, who are alſo impowered to grant Execution accordingly; but if ſuch Tavern-keeper ſhall not be found in Fault and ſuſpended, ſuch Coſt ſhall be taxed as aforeſaid, and paid out of the Town Treaſury.

Coſts allowed.

*Be it further enacted by the Authority aforeſaid*, That no Tavern-keeper, or Perſon licenced as aforeſaid, to keep a public Houſe of Entertainment, ſhall be allowed to bring any Action againſt any Perſon whatſoever, to recover of ſuch Perſon any Sum or Sums of Money, or any other Thing whatſoever, for any kind or quantity of Drink, ſold to ſuch Perſon and drank in ſuch Houſe; unleſs the ſame be brought within two Days after ſuch Sale and Drinking; unleſs the Perſon was a Traveller or Boarder at ſuch Houſe.

No taverner allowed to bring action, &c.

*And whereas divers diſorderly Perſons oftentimes take upon them, and preſume to ſell ſtrong Liquors by Retail in ſmall Quantities without Licence, and keep tipling Houſes, to the promoting of Tipling, Drunkenneſs, Idleneſs, and many other Immoralities; and to the great Prejudice of Perſons orderly licenced, and under the Regulation of Law, for the Entertainment of Travellers and others legally and orderly requiring the ſame.* Which to prevent:

*Be it further enacted by the Authority aforeſaid*, That no Perſon or Perſons whatſoever, dwelling in this State, (except ſuch as have a Licence from the County Court of the County in which they dwell, for keeping a Tavern or public Houſe of Entertainment, as is in this Act provided) ſhall be a common Victualler, Innholder, Taverner or Seller of Wine, Beer, Ale, Cider, or any other ſtrong Liquors, privately, by a leſs Quantity than a Quart of Wine, Rum, or other ſuch ſtrong Liquors, or a Gallon of Metheglin, Cider, Beer, or ſuch like Drink, and that delivered and carried away all at one time, on the Penalty of forfeiting and paying the Sum of *Three Pounds*, for the firſt Offence; and the Sum of *Six Pounds* for the ſecond Offence: And ſo double for every Breach of this Act he ſhall be convicted

None but ſuch as have licence, allowed to ſell liquors in ſmall quantities.

victed of: Which Fines ſhall be diſpoſed of, Half to him that complains and proſecutes to Effect, and the other Half to the Town Treaſury.

Taverners to proſecute &c.

And it is eſpecially recommended to thoſe who keep licenced Houſes, to proſecute the Breaches of this Paragraph of this Act.

Perſons guilty of keeping tipling houſes, &c. how puniſhed.

And when any Perſon ſhall be duly convicted of keeping a tipling Houſe, or of ſelling ſtrong Beer, Ale, Cider, Perry, Metheglin, Wine, Rum, or mixt Drink, or any ſtrong Drink whatſoever, by Retail in ſmall Quantities, as aforeſaid, without Licence firſt had and obtained for the ſame, ſhall be unable to ſatisfy the Fine impoſed by Law for ſuch Tranſgreſſion, together with the Charge of Proſecution; or ſhall not pay ſuch Fine and Charges, and likewiſe give Bond for their good Behavior, if it be a ſecond Conviction, within the ſpace of twenty-four Hours next after Sentence declared, it ſhall and may be lawful for two Juſtices of the Peace, or the Court before whom the Conviction ſhall be, to order ſuch Offender to be publicly whipt on the naked Body, not leſs than ten, nor exceeding fifteen Stripes, for one Offence; and to reſtrain the Offender in Priſon till ſuch Fine and Charges are paid, or the corporal Puniſhment be inflicted.

One credible witneſs ſufficient to convict.

And the Oath of one credible Witneſs ſhall be ſufficient to convict any Perſon of retailing ſtrong Liquor, as aforeſaid, contrary to this Act.

Grand-jurymen to ſearch &c.

*And be it further enacted by the Authority aforeſaid*, That the Grand-jurymen in the reſpective Towns in this State, ſhall from Time to Time make diligent Search and Enquiry after all Perſons who are reputed to ſell or vend ſtrong Liquor by Retail in ſmall Quantities, as aforeſaid, without Licence, as aforeſaid obtained, and make Preſentment of all ſuch Perſons to the next Aſſiſtant or Juſtice of the Peace; which Aſſiſtant or Juſtice ſhall by a proper Warrant, cauſe ſuch Perſon or Perſons ſo preſented, to appear before him, and cauſe him or them to give Bond with a Surety, to the Value of *Ten Pounds*, that he or they will not ſell or vend any ſtrong Drink by Retail in ſmall Quantities, as aforeſaid, without Licence firſt had and obtained, and be of good Behaviour until the next County Court in the County; and alſo appear before the ſaid Court and take up ſaid Bond unleſs ſaid Court ſhall ſee Cauſe to continue the ſame; which the Court may do if they judge proper.

Refuſing to give bond, to be committed.

And if any ſuch Perſon or Perſons ſhall refuſe to become bound as aforeſaid, the Authority before whom he or they ſhall be brought, ſhall by Mittimus commit ſuch Perſon or Perſons to the common Goal in the County, there to remain at his or their own Charge, till he or they will give Bond as aforeſaid.

Bond to be forfeited, in caſe, &c.

And that if ſuch Perſon or Perſons giving Bond as aforeſaid, ſhall at any Time after the giving ſuch Bond, be preſented to the County Court of the County by the Grand-jurors, on Suſpicion of retailing ſtrong Drink in ſmall Quantities without Licence as aforeſaid, ſuch Preſentment ſhall be taken by the Court to be ſufficient Evidence againſt the Perſons ſo preſented to convict him, her or them of the Forfeiture of ſuch Bond or Recognizance; unleſs he or ſhe ſhall be acquitted by a Jury of twelve lawful Men of the Neighbourhood, declaring upon their Oaths that they believe ſuch Perſon is not guilty; which Jury the Party at his Deſire and Charge may have the Advantage of

## An Act for the Puniſhment of Theft.

Perſons guilty of theft, how puniſhed.
Forfeit three fold the value, &c.

BE *it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That whoſoever ſhall ſteal or purloin any Money, Goods or Chattels and be thereof convicted, by Confeſſion or other ſufficient Evidence, every ſuch Offender ſhall forfeit and pay treble the Value of the Money, Goods or Chattels ſo ſtolen or purloined unto the Owner or Owners thereof; and be further puniſhed by

by Fine, at the Diſcretion of the Court, Aſſiſtant or Juſtice that hath Cognizance of ſuch Offence, not exceeding *forty Shillings*: And if the Value of the Money, Goods or Chattels ſo ſtolen, amount to the Sum of *twenty Shillings*, ſuch Offender ſtealing the ſame to that Value, ſhall beſide the aforeſaid Forfeitures, be further puniſhed by whipping, not exceeding ten Stripes for one Offence. And whoever ſhall ſteal or purloin any Money, Goods or Chattels of the Value of *five Shillings*, or of any greater Value under the Value of *twenty Shillings*, and be thereof duly convicted, and ſhall refuſe or not be able to pay the Fine impoſed, ſhall be puniſhed by whipping on the naked Body at the Diſcretion of the Court, Aſſiſtant or Juſtice of the Peace, not exceeding ten Stripes.

Fined not exceeding 40s.

If 20s. value, to be whipt.

If 5s. value, in caſe fine not paid, to be whipt.

And if any ſuch Offender be unable to make Reſtitution, or pay ſuch three-fold Damages, ſuch Offender ſhall make Satisfaction by Service: And the Proſecutor ſhall be, and is hereby impowered to diſpoſe of ſuch Offender in Service to any of the Subjects of the United States, for ſuch Term as he ſhall be aſſigned to ſuch Proſecutor by the Court, Aſſiſtant or Juſtice before whom the Proſecution ſhall be.

To be bound out in ſervice, in caſe, &c.

And if any Perſon or Perſons ſhall conceal any Theft, (except the Fact be private, or committed by ſome Member of his own Family) or ſhall receive and conceal any ſtolen Goods, knowing them to be ſuch; he or they ſo receiving and concealing, ſhall and may be proceeded againſt as Principals, although the Perſon or Perſons who committed the Theft be not thereof convicted: any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Penalty for concealing, &c.
May be proceeded with as principals.

And that every Aſſiſtant or Juſtice of the Peace in the County where ſuch Offence is committed, or where ſuch Offender is apprehended, is hereby authorized and impowered to hear and determine all Offences againſt this Act wherein the Value of the Things ſtolen doth not exceed the Sum of *forty Shillings*.

Aſſiſtant or Juſtice to try not exceeding 40s.

*And be it further enacted by the Authority aforeſaid*, That whoſoever ſhall feloniouſly take and ſteal any Horſe or Horſes within this State, and be thereof duly convicted, ſhall pay and ſatisfy to the Owner of ſuch Horſe or Horſes, treble the Value thereof, and alſo pay as a Fine to the Treaſurer of this State the Sum of *ten Pounds*, and be further puniſhed by being publicly whipped on the naked Body not exceeding fifteen Stripes, and be confined in a Work-houſe or Houſe of Correction not exceeding three Months; there to be kept to hard Labour, and be further whipped on the firſt Monday of each Month, not exceeding ten Stripes each Time, and ſhall be ſet aſtride on a wooden Horſe before each Whipping as aforeſaid, not exceeding two Hours: And for Want of Eſtate wherewith to anſwer ſuch Damages and Fine, the Court before whom ſuch Conviction is had, may aſſign ſuch Delinquent in Service, ſo long as they ſhall judge proper, to the Party injured or his Aſſigns, if he or they ſhall accept thereof, or otherwiſe to any of the Inhabitants of this or of any of the United States.

Horſe-ſtealers to pay treble the value, and a fine of 10l.

To be whipt, and ride wooden horſe &c.

*And to encourage the detecting ſuch Offenders*;

*Be it further enacted by the Authority aforeſaid*, That there ſhall be paid out of the State Treaſury to the Perſon detecting and proſecuting ſuch Thief, for the Theft of Horſe ſtealing to Effect, in any Court in this State, the Coſts expended in ſuch Proſecution, not exceeding *ſix Pounds*.

Coſt of proſecution not exceeding 6l. to be paid out of ſtate treaſury.

## An Act for laying and collecting a Duty on the Exportation of Timber, &c.

*WHEREAS the Exportation of great Quantities of Timber out of this State to the neighbouring Governments, may be prejudicial to the Navigation and Trade of this Government:* Therefore,

Preamble.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That for all Timber or Lumber of

Duty on exportation of timber, &c.

of the Growth of this State, that ſhall be ſhipped or loaden on Board any Veſſel, in any Port, River, Harbour, Road or Place of Lading in this State, for Exportation to either of the States of *Maſſachuſetts*, *New-York*, *Rhode-Iſland*, or *New-Hampſhire*, ſhall be paid a Duty for the Uſe of this Government, as follows, viz.

The Timber, &c. and duties on each ſpecified.

*Eight Shillings* for each Thouſand of Barrel Staves. *Ten Shillings* for each Thouſand of Hogſhead Staves. *Fifteen Shillings* for each Thouſand of Pipe or Butt Staves. *Fifteen Shillings* for each Thouſand of Hogſhead Heading. *Eight Shillings* for each Thouſand of Barrel Heading. *Ten Shillings* for each Ton of Ship-Timber. *Three Shillings* for every Hundred Foot of two Inch Plank, and ſo proportionably for Plank of thicker or thinner Size. *One Shilling* and *Six-pence* for every Hundred Feet of Boards. And *Ten Shillings* for every Cord of Bark. And ſo proportionably for leſſer Quantities.

Bolts for ſtaves, &c.

And for all Timber or Bolts ſuitable for Staves or Heading, at the ſame Rate as aforeſaid; to be eſtimated according to the Number ſuch Timber or Bolts are ſufficient to make when rived.

*And that the ſaid Duties may be effectually collected and paid;*

Duties to be paid to collectors.

*Be it further enacted by the Authority aforeſaid*, That the ſeveral Duties laid by this Act, ſhall be paid to, and collected and received by ſuch Collector or Collectors of Duties, as ſhall be appointed by the Governor of this State for the Time being, for the collecting and receiving the ſame.

Governor to appoint collectors.

And the Governor is hereby fully impowered and deſired to appoint and authorize from Time to Time, ſuch and ſo many Collectors in the ſeveral Parts of this State, as there ſhall be Occaſion for the Service aforeſaid; out of which Duties, the ſaid Collectors ſhall receive ten *per Centum* for their Trouble therein; and ſhall annually pay in the ſaid Duties to the Treaſurer of this State, taking his Receipt for the ſame.

If ſhipped before entry, forfeited.

That if any Maſter of a Veſſel, or other Perſon, ſhall ſhip or take on board any Veſſel, in any Port, River, Harbour, Road or Place of Lading in this State, any Quantity or Parcel of the aforementioned Sorts of Timber or Lumber for Exportation, before Entry thereof made with, and the Duties paid to the Collector of Duties aforeſaid, or Bond with ſufficient Sureties given, not to export ſuch Timber or Lumber to the ſaid neighbouring States before the Duties thereof are paid, the ſaid Timber or Lumber ſo ſhipped or taken on board as aforeſaid, contrary to this Act, or the Value thereof ſhall be forfeited, by the Perſon or Perſons who ſhips or takes the ſame on board as aforeſaid; one Half thereof to the Proſecutor, and the other Half to the Treaſury of this State.

To be ſeized.

That the ſaid Timber or Lumber ſo ſhipped contrary to this Act, may be ſeized by ſuch Collector or Collectors, or by Warrant from any Aſſiſtant or Juſtice of the Peace, and ſecured for Trial at the next County Court in the County where ſuch Seizure ſhall be made: Which Court, upon Information thereof made, may hear and determine the ſame, and give Judgment for the Forfeiture and Sale of ſuch Timber or Lumber as ſhall appear to be ſhipped contrary to this Act.

If no ſeizure made, value to be paid.

And in caſe no Seizure be made, the ſaid Court, on Information, ſhall give Judgment for the Forfeiture of the Value of ſaid Timber or Lumber ſo ſhipped or exported, againſt him or them who ſhipped, or took on board, or exported the ſame contrary to this Act, and award Execution thereon accordingly, for the Uſes aforeſaid.

Burden of proof lies on the claimant.

And if on the Trial of any ſuch Cauſe, there ſhall ariſe a Diſpute about the Growth of ſaid Timber or Lumber, the burthen of Proof ſhall lie on him who ſhipped, owns or claims the ſame: And if no Claimer or Owner appear, or no Plea or Diſpute happen about the Growth of ſuch Timber or Lumber, it ſhall be preſumed and taken to be the Growth of this State.

And

And when any Suit is brought on any Bond given as aforeſaid, not to export any of the Timber or Lumber to any of the neighbouring States aforeſaid, then and in ſuch Caſe, if the Defendant ſhall not by the Evidence of one credible Witneſs at leaſt, ſhew the Court before whom the Trial is, that he hath *bona Fide* complied with the Conditions of ſuch Bond, Judgment ſhall be rendered againſt him for the Forfeiture of ſuch Bond; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Bond how forfeited.

## An Act to regulate the curing and packing of Tobacco, and to prevent Fraud therein.

*WHEREAS Tobacco is or may be a conſiderable Article of Exportation, and ought to be under ſuch Regulation as to prevent Fraud therein.*

Preamble.

*BE it therefore enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That each Town in this State wherein Tobacco is or ſhall be raiſed for Exportation, ſhall at their annual Town Meetings for electing Town Officers, chooſe two or more fit Perſons to be Surveyors and Packers of Tobacco, for the Year enſuing; who ſhall carefully ſurvey and ſearch the Tobacco by them to be packed, and ſhall cull out and ſeparate all ſuch Hands of Tobacco as are in Whole or in Part damnified, in any Way or by any Means whatever; and ſhall pack or preſs no Tobacco but what is by him judged to be ſound, well ripened, ſufficiently cured, and every way good and merchantable. And ſaid Packers ſhall be under Oath for the faithful Diſcharge of ſaid Office. And the Fee to be paid by the Owner of ſuch Tobacco ſhall be *five Pence* for every hundred Weight ſo ſearched, packed and preſſed, and *three Pence* per Mile travel each Packer ſhall travel to perform ſaid Service: And each Packer ſhall fairly brand each Caſk or other Veſſel wherein he packs Tobacco, with the two firſt Letters of his Name, and under them ſhall mark the Name of the Town wherein he dwells.

Each town to chooſe annually packers of tobacco.

Their duty.

To be ſworn.

Fees.

That no Packer ſhall pack any Tobacco, which is his own Property, for Sale, nor ſet his Brand or Mark on any Caſk or other Veſſel, containing his own Property, on Penalty of forfeiting the Sum of *Forty Shillings*, for every Caſk or other Veſſel wherein he ſhall pack his own Tobacco for Sale, or whereon he ſhall ſet his Mark or Brand as aforeſaid, one Half to the Treaſurer of the Town wherein he dwells, and the other Half to him or them who ſhall complain and proſecute the ſame to Effect, with Coſts of Suit.

No packer to pack his own tobacco.

And if any Perſon or Perſons, not being a ſworn Packer as aforeſaid, ſhall preſume to mark or brand any Caſk, or other Veſſel containing Tobacco, with the Packer's Brand or Mark; he or they ſhall on Conviction thereof, pay a Fine of *Five Pounds*; one Half to the public Treaſurer of this State, and the other Half to him who ſhall ſue for, and proſecute the ſame to Effect; and ſhall alſo pay to the Party injured thereby, double Damages, with Coſts of Suit.

Penalty 5l.

*And be it further enacted*, That whoſoever ſhall vend, put to ſale, or ſhip on board any Veſſel, Boat, Lighter or other Water-Carriage, any Caſk or other Veſſel, containing Tobacco not packed, marked and branded, according to the true Intent and Meaning of this Act, ſhall forfeit all ſuch Tobacco, to him or them who ſhall ſeize the ſame, or cauſe the ſame to be ſeized, and ſue for and proſecute the ſame to Condemnation, before any Court proper to hear and determine the ſame.

Tobacco not packed, &c. to be forfeited.

## An Act relating to Towns and Town Officers.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That the ſettled and approved

Power to make rules & orders, &c.

ved Inhabitants of every Town in this State, qualified and having Eſtate as is hereafter in this Act provided, ſhall have Power to make ſuch Orders, Rules and Conſtitutions as may concern the Welfare of their Town.

Proviſo.

Provided they be not of a criminal but of a prudential Nature, and that their Penalties exceed not *Twenty Shillings* for one Offence, and that they be not repugnant to the Laws and Orders of this State.

Penalty for not obſerving town orders.

And if any Inhabitants ſhall neglect or refuſe to obſerve, or ſhall any Way tranſgreſs the ſame, the Penalties appointed may be levied by Diſtreſs, granted by an Aſſiſtant or Juſtice of the Peace.

To meet in December, annually.

That the ſaid ſettled and approved Inhabitants, qualified as aforeſaid, in each reſpective Town, ſhall ſometime in the Month of *December* annually, meet and convene together, upon Notice given by the Select-men of each Town, or ſuch others as they ſhall appoint for that Purpoſe; and being met, ſhall chooſe a convenient Number, not exceeding Seven of their Inhabitants, able, diſcreet and of good Converſation, to be Select-men or Townſmen, to take Care of and Order the prudential Affairs of their Town: And alſo ſhall nominate and chooſe a Town-Clerk or Regiſter (who ſhall enter and record all Town Votes, Orders, Grants and Diviſions of Lands made by ſuch Town, and all other Matters and Things which by Law are, or ſhall be ordered to be entered and recorded in his Office), alſo a Town-Treaſurer, Conſtables, Surveyors of High-ways, Fence-viewers, Liſters, ſuch Number as they ſhall judge convenient, Collectors of Rates, Leather-ſealers, Grand-jurors, Tything-men, Haywards, Chimney-viewers, Gaugers, Packers, Sealers of Weights and Meaſures, Key-keepers, and other ordinary Town Officers.

Town officers to be then choſen.

Select men to ſee they are ſworn.

And the Select-men of each Town, ſhall forthwith after ſuch Choice, ſee that all thoſe Officers of whom an Oath is by Law required, be ſummoned and ſworn to the faithful diſcharge of their reſpective Offices and Truſts.

Major part to determine.

And all Votes, Acts, and Orders in ſuch Town-Meeting, ſhall be made by the major Part of the qualified Voters preſent in ſuch Meeting; and being ſo made ſhall be deemed the Vote, Act, or Order of the Whole.

Penalty 26s. on thoſe who refuſe, &c.

That every Perſon and Perſons being duly choſen as aforeſaid, to ſerve in any of the Offices aforeſaid, who ſhall refuſe to ſerve therein, and to take the Oath (if any by Law be required) to that Office belonging, if he be able in Perſon to execute the ſame, ſhall pay the Sum of *Twenty-ſix Shillings* to the Treaſurer of the Town whereto he or they belong; except ſuch Perſon or Perſons ſhall make it appear that he or they is or are oppreſſed by ſuch Choice, and that others are unjuſtly exempted. Any one Aſſiſtant or Juſtice to hear and determine the ſame.

One aſſiſtant, &c. to hear, &c.

Penalty on ſuch as accept & neglect, &c

And every ſuch Officer duly choſen by any Town, as aforeſaid, having accepted (or not declared his Refuſal to accept) the Office he is choſen to, and that ſhall neglect the Performance of the Truſt committed to him, and being thereof duly convicted before any one Aſſiſtant or Juſtice of the Peace, ſhall be fined according to the demerit of the Cauſe, not exceeding *Fifteen Shillings* for one Offence.

*And whereas often Times Sojourners, Inmates, young and other unqualified Perſons preſume to deal, vote and intermeddle with the public Affairs of the Towns where they live, and thereby diſturb and interrupt the regular Proceeding in Town Meetings.*

Which to prevent;

Who qualified, who not, &c.

*Be it further enacted by the Authority aforeſaid,* That no Perſon that is not a lawful Inhabitant, a Houſholder, and that hath not a freehold Eſtate rated in the common Liſt at *Fifty Shillings*, or perſonal Eſtate rated in the ſaid Liſt at *Forty Pounds*, beſides his Perſon, and that is not of the Age of Twenty-one Years, ſhall be allowed to vote, act, deal or intermeddle in any Town-Meeting in the choice of Officers, granting of Rates, or any other

other Town Affairs: And if any Perſon or Perſons not qualified as aforeſaid, ſhall preſume to vote, act, deal or intermeddle as aforeſaid, contrary to this Act, every ſuch Offender ſhall forfeit the Sum of *Fifteen Shillings* for every ſuch Offence: To be levied by Diſtreſs and Sale of the Offender's Goods.

*Provided always*, That no Freeman of this State ſhall by this Act, be debarred or hindred from voting in any Town-Meeting of that Town whereto he belongs; any Thing contained in this Act to the contrary notwithſtanding. Proviſo.

*Be it further enacted by the Authority aforeſaid*, That where there are any Precincts or Peculiars, ſo called, they ſhall in all Reſpects whatſoever, which have Reference to State, Miniſters, or other Rates, be in the ſame Circumſtances, and liable to the like Aſſeſſments, and under the Power of the ſame Officers which the Towns are, where ſaid Peculiars are by Law ordered to be rated. Precincts to be rated, &c.

*And be it further enacted by the Authority aforeſaid*, That the Town-Clerks for the Time being be, and they are hereby fully authorized and impowered, in ſuch Towns wherein there is no Aſſiſtant or Juſtice of the Peace reſident, from Time to Time to adminiſter the Oaths that by Law are provided for that End, unto the reſpective Officers of ſuch Towns, that by Law ought to be ſworn to the faithful Diſcharge of their ſaid Offices. Town Clerks to adminiſter oaths, in caſe.

And that Town Clerks being choſen and once ſworn, ſhall continue in their Office until other Perſons are choſen and ſworn in their Room. To continue in office, &c.

And that upon the Refuſal, Death, or Removal of any Town-Clerk, or other ordinary Town Officer in any Town in this State, ſuch Town may aſſemble together and chuſe a-new to fill up ſuch vacant Place. Officer removed new to be choſen

*And be it further enacted by the Authority aforeſaid*, That the Town-Clerks in each of the reſpective Towns in this State, ſhall annually, in *May*, ſend to the Treaſurer of the State, the Names of the Perſons in their reſpective Towns, who are choſen Conſtable to gather the State Rate. Town Clerks to tranſmit annually, &c. names of collectors, &c.

And if any Town Clerk ſhall neglect his Duty herein, he ſhall pay a Fine of *Twenty Shillings*; one Half thereof to the Complainer, who ſhall proſecute to Effect, and the other Half to the Treaſurer of the Town wherein ſuch Clerk dwells. Penalty for neglect 20s.

## An Act concerning Town Clerks Office and Duty.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Town Clerk or Regiſter of every Town in this State, ſhall record all Marriages, Births and Deaths of Perſons in their Towns; and that all Parents, Maſters, Executors, and Adminiſtrators reſpectively, ſhall bring in to the Regiſter of the Town to which they belong, the Names of ſuch Perſons belonging to them that either ſhall be born or die: And alſo every new married Man ſhall bring the Time of his Marriage ſufficiently proved, either by Certificate from him that married them, or by other legal Proof, to the Regiſter within one Month after ſuch Birth, Death or Marriage; and every Perſon neglecting ſhall forfeit *Four Shillings*; and for every Month after the ſaid firſt Month, *Four Shillings* a Month wherein it is neglected. Town Clerks to record marriages, births, deaths &c.

And the Regiſters of every Town ſhall, as far as they can come at, give an Account of all ſuch Neglects to the Grand-jury, who ſhall make Preſentment thereof to the next Aſſiſtant or Juſtice of the Peace in the County, which Forfeitures ſhall be paid to the Town Treaſurer. And give an account to grand-jurors of neglects, &c.

*And be it further enacted by the Authority aforeſaid*, That there ſhall be a ſuitable Book or Books for regiſtring kept in each Town in this State, with an Index or Alphabet to the ſame, containing the Names of the Grantors and Grantees, and alſo of the Grantees and Grantors in alphabe- Suitable books to be provided, &c.

tical Order; in which Book or Books the Town Clerk or Regiſter ſhall record every Man's Houſe, and Lands granted and meaſured out to him, with the Bounds and Quantities of the ſame, and date the Time of his entring all ſuch Records.

Grantor refuſing to acknowledge, &c. grantee may enter caution, &c.

And if any Grantor being required by the Grantee, his Heirs or Aſſigns, to make Acknowledgment of any Grant, Sale, Mortgage, or Bargain by him made, and ſhall refuſe ſo to do, the Grantee, or his Heirs may enter Caution with the Recorder upon ſuch Houſing and Lands as are to him granted, bargained, ſold, or mortgaged; which Caution ſhall ſecure the Intereſt of the Grantee till a legal Trial hath paſſed unto a final Iſſue according to Law: And the Judgment of the Court being delivered to the Recorder, under the Clerk of the Court's Hand where the Caſe was tried, ſhall be his Warrant to record the ſaid Grant, although the Grantor ſhall refuſe to acknowledge the ſame: And a Copy of the ſame under the Hand of the Regiſter or Town Clerk, and an Aſſiſtant, or Commiſſioner, or Juſtice of Peace, and one of the Select-men, ſhall be a ſufficient and legal Evidence to all and every Perſon and Perſons that ſhall have the ſame, to all Intents, Ends and Purpoſes for the holding of the ſame firm to him, his Heirs and Aſſigns forever.

Proviſo.

*Always provided*, That no Regiſter ſhall record any Lands to any Perſon except he hold the ſame in his own Right, and make it appear to the Clerk or Regiſter, that he hath clear Right to thoſe Lands by ſufficient Teſtimony, quiet Poſſeſſion, Deed of Gift, or Acknowledgment of the Grantor before the ſaid Regiſter.

*And to prevent Inconveniencies and unneceſſary Trouble that may enſue by unwritten Grants, Bargains, Sales, or Mortgages:*

Deeds, &c. to be written, ſigned and witneſſed.

*Be it further enacted by the Authority aforeſaid*, That after the firſt of *May*, *One Thouſand ſix Hundred* and *Sixty-one*, all Grants, Bargains, Sales, and Mortgages made of Houſes and Lands ſhall be in Writing and ſubſcribed by the Grantor, with his own Hand or Mark, unto which Mark his Name ſhall be annexed, and alſo atteſted by two Witneſſes, with their own Hands or Marks, unto which Marks their Names ſhall be annexed.

And acknowledged.

And after the firſt of *September*, *One Thouſand ſix Hundred* and *Seventy-three*, all Grants and Deeds made of Houſes and Lands ſhall be acknowledged before an Aſſiſtant, or Commiſſioner, or Juſtice of the Peace.

Otherwiſe not valid.

And that no Grant after the Time aforeſaid, ſhall be accounted compleated according to Law, but ſuch as are written, ſubſcribed, witneſſed and acknowledged as aforeſaid: And all ſuch Grants ſhall be recorded according to Law.

Town clerks to keep town records.

And the Town Clerk or Regiſter in each Town in this State, ſhall keep the Town Book or Books of their reſpective Towns; and ſhall truly enter in the ſaid Book or Books all Votes of the ſaid Town, Grants of Land, Choice of Town Officers, and other Town Acts and Matters upon his Oath (except when neceſſarily abſent) and ſhall grant all Copies of the ſame as need ſhall require, for reaſonable Satisfaction.

No deed valid except againſt grantor, &c. unleſs recorded.

*And be it further enacted by the Authority aforeſaid*, That no Grant or Deed of Bargain, Sale or Mortgage made of any Houſes or Lands within this State, from and after the firſt Day of *March*, *One Thouſand ſeven Hundred* and *Nine*, ſhall be accounted good and effectual in Law to hold ſuch Houſes and Lands againſt any other Perſon or Perſons whatſoever but the Grantor or Grantors, and their Heirs only; unleſs the Grant, Deed or Deeds thereof be recorded at length in the Records of the Town where ſuch Houſes and Lands do lie.

To bear date the day of receipt.

And the Town Clerk or Regiſter in every Town in this State, ſhall on the Receipt of any Grant, Deed, Conveyance or Mortgage of any Houſe or Land brought to him to record, note thereupon the Day, Month and Year when he received the ſame, and the Record ſhall bear the ſame Date.

*And*

*And it is further enacted by the Authority aforeſaid*, That if any Town Clerk or Regiſter within this State, ſhall neglect to do and perform his Duty according to the foregoing Paragraph of this Act, and be thereof convicted, he ſhall pay a Fine of *Five Pounds* to the Treaſury of the County whereto he belongs for every ſuch Neglect.

Said day of receipt to be noted, on penalty of 5l. for neglect.

## An Act for the puniſhment of High-Treaſon, and other atrocious Crimes againſt the State.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Perſon or Perſons belonging to, or reſiding within this State, and under the protection of its Laws, ſhall levy War againſt the State or Government thereof, or knowingly and willingly ſhall aid or aſſiſt any Enemies at open War againſt this State, or the United States of *America*; by joining their Armies, or by inliſting or procuring or purſuading others to enliſt for that Purpoſe, or by furniſhing Enemies with Arms or Ammunition, Proviſion, or any other Articles for ſuch their Aid or Comfort, or by carrying on a treaſonable and treacherous Correſpondence with them, or ſhall form or be any ways concerned in forming any Combination, Plot, or Conſpiracy for betraying this State, or the United States, into the Hands or Power of any foreign Enemy, or ſhall give or attempt to give or ſend any Intelligence to the Enemies of this State for ſaid Purpoſe; every Perſon ſo offending, and being thereof convicted, ſhall ſuffer Death.

Treaſon defined.

Puniſhment death.

*And be it further enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall endeavour to join the Enemies of this State, or of the United States, or uſe their Influence to perſuade or induce any Perſon or Perſons to join, aid, comfort or aſſiſt them in any Way or Manner whatſoever, or ſhall have Knowledge of any Perſon or Perſons endeavouring or uſing their Influence aforeſaid, and ſhall conceal the ſame, ſhall be puniſhed by Fine, according to the Nature of his Offence, and ſhall be impriſoned at the Judgment of the Superior Court, in any of the Gaols in this State, not exceeding ten Years.

Miſpriſion of treaſon, &c.

How puniſhed.

*Be it further enacted*, That no Perſon accuſed of any of the Crimes aforeſaid, mentioned in this Act, who on Examination before proper Authority, ſhall be adjudged worthy to be held to Trial for the ſame, ſhall be at Liberty on Bail; unleſs ſaid Bail is taken before the Court that hath Juriſdiction of ſaid Cauſe: but be committed to Priſon, there to remain until delivered by due Courſe of Law.

Not bailable unleſs by the court that hath juriſdiction of the cauſe.

## An Act for regulating and ordering the public Treaſure, and Treaſurers.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the general or public Treaſure of this State, or any Part thereof, ſhall not be expended but by the Order of the Governor, or Aſſiſtants, or General Court: Nor any County Treaſure, but by the Order of the County Court of that County: Nor any Town Treaſure, but by the Order of the Select-men, or the Inhabitants of the Town.

Treaſurers to pay out no monies without proper orders.

That the Treaſurer of this State for the Time being, ſhall deliver or pay any Money belonging to the State Treaſury, to any Perſon or Perſons, without Order, under the Hands of two Aſſiſtants, or Juſtices of the Peace, if the Sum be above *Forty Shillings*; and if the Sum be under *Forty Shillings*, then the Treaſurer may accept of an Order for Payment thereof under the Hand of any one Aſſiſtant or Juſtice of the Peace.

What orders are proper.

Proviſo.

*Always provided*, That the Aſſiſtants or Juſtices that grant Bills or Orders as aforeſaid, do inſert the Particulars for which the Money mentioned in ſuch Bills or Orders, is due and to be paid.

Gen. court to draw orders on State treaſury.

That the State Treaſurer ſhall pay out of the public Treaſury ſuch Sum and Sums as the General Court ſhall appoint, and order him to pay from Time to Time, ſo far as he hath of the public Treaſury under his Command to do the ſame.

State treaſurer to grant warrants to collect fines, &c.

And the ſaid State Treaſurer ſhall, and he is hereby impowered and required, at all Times as the Cauſe requires, to iſſue forth his Warrants to the Sheriff or Conſtable, for the levying of all Fines and Forfeitures as ſhall be due from any Perſon or Perſons, to the public Treaſury of this State.

Receipts when to be given.

That upon all Payments made of any of the State's Debts by the State Treaſurer, or by any Conſtable or other Officer appointed to do the ſame, the ſaid Treaſurer, Conſtable, and other Officer ſhall take Receipts of the Perſons to whom ſuch Payments are made, for the Sums paid to them.

Accounts for ſervices, &c. done for the State, to be given, &c.

And that when any Perſon is impreſſed, or has any Thing impreſſed from him for the Service of the State, or is called to any Service in the ſame, he ſhall within the Space of ten Days next after the Service done, or Thing impreſſed from him, apply himſelf to the Authority by whoſe Warrant ſuch Impreſſment was made, or to the Officer who impreſſed ſuch Thing, for a Certificate under his Hand, (who are hereby required upon ſuch Application, forthwith to grant ſuch Certificate) therein ſignifying the Service ſo done, the Time ſpent therein, and the true Value, as near as may be, of whatſoever was impreſſed from ſuch Perſon, as aforeſaid.

No bill allowed, &c. without certificate, &c.

And no Perſon ſhall be allowed any Bill upon the State Treaſurer, for any Service done, or for any Thing impreſſed from him for the public Service as aforeſaid, without producing ſuch Certificate, obtained within the Limitation above preſcribed.

State treaſurer to account &c.

And the State Treaſurer ſhall render his Accompt, according to ſuch Order, and at ſuch Time as the General Court ſhall appoint.

County treaſurer to iſſue warrants for fines due to the county.

*Be it further enacted by the Authority aforeſaid*, That each reſpective County Treaſurer in this State, ſhall be and is hereby impowered and required, when and ſo often as Need ſhall require, to iſſue forth his Warrant under his Hands, directed to the Sheriff or Conſtable, for levying all Fines and Forfeitures that are or ſhall be due to the Treaſury of the County whereto he belongs, from any Perſon or Perſons whatſoever; and ſhall render his Account to the Judges of the County Court when he ſhall be thereto required by ſaid Court.

All fines to be levied annually.

That the State and County Treaſurers ſhall ſend forth their Warrant for the levying all ſuch Fines and Forfeitures whereof they ſhall have Cognizance, within the Space of one Year after they ſhall be impoſed by the Court, on the Penalty of forfeiting the Sum of *Forty Shillings*, to the Uſe of ſuch Treaſury for each Neglect.

Town treaſurers to receive monies due to towns.

*And be it further enacted by the Authority aforeſaid*, That the reſpective Town Treaſurers in the reſpective Towns in this State, ſhall have Power to receive all ſuch Monies as ſhall become due unto the reſpective Towns to which they belong, either by Rates, Fines, Aſſeſſments or otherwiſe: And ſuch Town Treaſurers ſhall pay and deliver out all ſuch Monies as ſhall be in their Hands, according to the Order of ſuch Towns, or the Select-men thereof, from Time to Time, keeping a juſt Accompt of ſuch Receipts and Deliveries, and ſhall account with the Town or Selectmen at leaſt once a Year.

To apply, &c. for fines, &c.

And it ſhall be the Duty of every Town Treaſurer to apply himſelf to the Civil Authority in the reſpective Towns, for an Account of all ſuch Fines and Forfeitures as ſhall be recovered by Judgment before ſuch Authority belonging to the Treaſury of the Town where ſuch Judgment is given, at leaſt within one Year after Judgment given, and receive the ſaid Fines and Forfeitures for the Uſe of ſaid Town.

## An Act for detecting and puniſhing Treſpaſſes in divers Caſes, and directing Proceedings therein.

Penalty for cutting down trees on the lands of other perſons, &c.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Perſon or Perſons ſhall cut, fell, deſtroy or carry away any Tree or Trees, Timber or Underwood whatſoever, ſtanding, lying or growing on the Land of any other Perſon or Perſons, or off or from any ſequeſtered Lands for Town Common, or any common or undivided Lands in any Town, without Leave or Licence of the Owner or Owners of ſuch Lands whereon ſuch Trees, Wood, Timber or Underwood was ſtanding, lying or growing, on Pain that every ſuch Perſon ſo cutting, felling, deſtroying or carrying away the ſame, or that ſhall be aiding or aſſiſting therein, ſhall for every ſuch Treſpaſs, forfeit and pay to the Party or Parties injured or treſpaſſed upon, the Sum of *Ten Shillings* for every Tree of one Foot over, and for all Trees of greater Dimenſions three Times the Value thereof, beſides *Ten Shillings* as aforeſaid, and *Five Shillings* for every Tree or Pole under the Dimenſions of one Foot Diameter: Which ſeveral Penalties, Forfeitures and Damages, ſhall and may be recovered by Action, Bill, Plaint or Information, upon Conviction of the Treſpaſſer or Treſpaſſers, as is hereafter eſpecially provided and enacted.

Penalties, &c. how recoverable.

When proprietors ſhall have the right of action, &c.

*Be it further enacted and declared by the Authority aforeſaid,* That the Proprietors of the common and undivided Lands in the ſeveral Townſhips, are the Perſons treſpaſſed upon, by cutting, felling, deſtroying or carrying away any Timber, Tree or Trees, growing or lying on the common and undivided Lands in ſaid Towns: And that the Inhabitants of the reſpective Towns are the Perſons treſpaſſed upon by all ſuch Treſpaſſes as aforeſaid, done in ſequeſtered Lands for Town Commons in ſuch Towns.

Penalty for throwing down or leaving open bars, &c.

*Be it further enacted by the Authority aforeſaid,* That if any Perſon or Perſons ſhall unlawfully throw down, or leave open any Bars, Gates, Fence or Fences belonging to or incloſing any common Field, or any Lands held in Propriety or Common, or belonging to any particular Perſon or Perſons within this State, ſhall for every ſuch Treſpaſs, upon Conviction thereof, forfeit and pay to the Party or Parties injured thereby, double Damage; and alſo a Sum not exceeding *Twenty-five Shillings*, according to the Nature and Aggravation of the Treſpaſs: To be recovered in Manner as aforeſaid.

Penalty for ſetting fire on lands, &c.

*Be it further enacted by the Authority aforeſaid,* That every Perſon or Perſons that ſhall ſet Fire on any Lands in this State, that ſhall run into any common and undivided Lands, or Town Commons, or Lands belonging to any particular Perſon or Perſons; ſuch Perſon or Perſons ſetting ſuch Fire, or that ſhall be aiding and aſſiſting therein, ſhall pay and ſatisfy to the Owner or Owners of the Lands all Damages that ſhall be done by ſuch Fire.

Penalty for gathering bayberries on other perſons lands, &c.

*Be it further enacted by the Authority aforeſaid,* That no Perſon or Perſons ſhall gather, deſtroy, or carry away any Bayberries ſtanding or growing on the Land of any other Perſon or Perſons without Leave or Licence of the Owner or Owners of ſuch Lands whereon ſuch Bayberries were ſtanding or growing, on Pain that every ſuch Perſon gathering, deſtroying, or carrying away the ſame, or that ſhall be aiding or aſſiſting therein, ſhall forfeit and pay to the Party or Parties injured or treſpaſſed upon, three Times the Value of the Bayberries ſo gathered, deſtroyed, or carried away; and alſo the Sum of *Three Shillings* for every Buſhel ſo gathered, beſides the ſaid three-fold Value; and ſo after that Rate for a greater or leſſer Quantity: To be recovered in Manner as aforeſaid.

*And foraſmuch as it is at ſome Times very difficult to detect or convict any Treſpaſſer or Treſpaſſers againſt this Act in the ordinary Method or Courſe of*

*the*

*the Law, by Reaſon the Treſpaſſes are generally committed where full Evidence can ſcarcely be had.*

If any diſpute ariſe, how adjuſted.

*Be it therefore enacted by the Authority aforeſaid*, That in Caſe any Diſpute ariſe upon any Action, Bill, Plaint or Information brought as aforeſaid, wherein the Plaintiff, Complainant, or Informer ſhall charge the Defendant in Treſpaſs in any of the Particulars aforeſaid, or of aiding or aſſiſting therein, then, and in ſuch Caſes, if the Plaintiff, Complainant or Informer ſhall make Oath that there hath been ſuch and ſo many Facts committed as are charged in the Declaration, and that he ſuſpects the Defendant to have committed the ſaid Treſpaſſes, although the Plaintiff, Complainant, or Informer may not be able to produce any other Evidence thereof than to render it highly probable, to the Court, Aſſiſtant or Juſtice before whom the Trial is, then and in every ſuch Caſe (unleſs the Defendant ſhall acquit himſelf upon Oath, that he did not do nor cauſe to be done the Facts that are charged againſt him in the Declaration, or any of them, which Oath or Oaths the ſaid Court, Aſſiſtant, or Juſtice are hereby impowered to adminiſter) the Plaintiff, Complainant, or Informer ſhall recover the Penalties and Damages aforeſaid, with Coſt: But if the Defendant ſhall in ſuch Manner acquit himſelf upon Oath, as aforeſaid, the Court, Aſſiſtant, or Juſtice may, and ſhall enter Judgment for the Defendant to recover double his Coſt occaſioned by ſuch Proſecution.

Perſons committing treſpaſſes in diſguiſe to be publicly whipped, &c.

That if any Perſon or Perſons having their Faces blacked, painted, or any way diſguiſed, ſhall either by Day or Night commit any of the Treſpaſſes aforeſaid; or ſhall beat or abuſe any of the Subjects or Citizens of the United States, or any other Perſon or Perſons whatſoever under the Protection of the Laws of theſe States, and be thereof convicted by due Courſe of Law, ſuch Perſon or Perſons ſo treſpaſſing, ſhall over and above the Penalties and Damages aforeſaid, be publicly whipt, not exceeding twenty Stripes, as the Nature of the Treſpaſs may require.

Proviſo.

*Always provided*, That the Proprietors of the common, undivided Lands in the reſpective Towns, may grant Liberty for the cutting or felling any Tree or Trees, or carrying away any Timber, Wood or Underwood, growing or lying in their common or undivided Lands, under ſuch Regulations and Reſtrictions as they, or the major Part of them in their legal Meeting ſhall ſee Cauſe and appoint; and impower their Agents or Attornies in their Place or Stead to proſecute any Perſon or Perſons that ſhall treſpaſs on their undivided Lands, contrary to this Act.

Towns power relative to ſequeſtered lands.

And the like Power is hereby alſo given to the Inhabitants of the ſeveral Towns in their Town-Meetings, with reſpect to the Timber, Tree or Trees, Wood or Underwood, growing or lying on Lands within their Townſhips ſequeſtered for Town Commons, viz. To appoint Agents or Attornies to proſecute any Perſon or Perſons that ſhall treſpaſs upon Lands ſequeſtered for Town Commons, as aforeſaid.

Proviſo.

*Provided alſo, And it is hereby Enacted*, That no Town ſhall have Power to prohibit any Perſon or Perſons inhabiting in ſuch Town from cutting Fire-Wood, or getting Fencing-Stuff for their own Uſes only, off and from any Lands ſequeſtered for Town Commons, under ſuch reaſonable Regulations as they ſhall agree to.

Proviſo.

*Provided alſo*, That all Agreements upon Record, in any Town in this State, concerning any the Timber, Wood, &c. in this Act mentioned, ſhall ſo far as ſaid Acts or Agreements concern the Inhabitants of ſuch Town getting Timber, Wood, &c. on the common and undivided Lands, or Lands ſequeſtered for Town Commons in ſuch Towns, for their own Uſe only, be, and be holden good and valid; any Thing to the contrary in this Act notwithſtanding.

Burden of proof where to lie.

And in caſe any Diſpute ariſe about the Uſe for which any of the Wood, Timber, &c. in this Act mentioned is got, the burthen of Proof ſhall lie on him who pleads, or avers the Uſe he got ſuch Timber, &c. for.

*Provided alſo, and it is hereby enacted*, That when the Court, Aſſiſtant or Juſtice before whom any Trial upon this Act ſhall be had, ſhall be well ſatisfied that the Defendant was guilty through Miſtake, and that he really believed the Timber or Bayberries complained of, when growing, were upon his own Land; that in ſuch Caſe the Defendant ſhall be ſentenced to pay to the Plaintiff only the juſt Value of the Timber felled, taken away or deſtroyed, or Bayberries gathered, carried away or deſtroyed, and Coſts of Trial, and no more. Proviſo.

*Provided alſo*, That nothing in this Act ſhall be conſtrued to prevent or hinder any Town in this State from agreeing in their annual Town-Meeting for ſetting Fires in their own Commons, as formerly; in which Caſe the Inhabitants of the Town ſo agreeing, ſhall pay all Damage that ſhall be done by ſuch Fires running and burning in any adjacent Townſhip. Proviſo.

*Be it further enacted by the Authority aforeſaid*, That if any Perſon whatſoever ſhall take any Horſe, Mare, or Drawing-Beaſt, other than his own, out of any Incloſure, or Common-Field, or elſewhere, (except ſuch Creature ſhall be taken Damage-feaſant, and diſpoſed of according to Law) without leave of the Owner, and ſhall ride or uſe the ſame; every ſuch Perſon ſhall pay to the Party wronged treble Damages; or if the Complainant ſhall decline it, only *Six Shillings*. And if the Perſon ſo offending ſhall be unable to make Payment, then he ſhall by Service make Satisfaction therefor. Penalty for taking another's horſe without leave &c. If unable to pay, then to be bound in ſervice.

*Provided*, That all Offences againſt, or Breaches of this Paragraph be proſecuted within ſix Months after the ſame are committed. Proviſo.

That if any Horſe or other Beaſt, ſhall treſpaſs in any Corn-field, or other incloſure, being fenced in ſuch Sort as ſecures againſt Cows, Oxen, Calves and ſuch like Cattle, the Party or Parties treſpaſſed upon ſhall procure two diſcreet Men, of good Report and Credit, to view and adjudge the Harms done; which the Owner or Owners of the Beaſt or Beaſts ſhall ſatisfy when known, upon reaſonable Demand, whether the Beaſt ſhall be impounded or not; but if the Owner or Owners be known, and near reſiding, as in the ſame Town, or the like, Notice thereof ſhall be given to him or them, or left at the Place of his or their uſual Abode, before an Eſtimation be made thereof, to the End he or they, or ſome other Perſon appointed by him or them, may be preſent when the Judgment is made: The like Notice alſo ſhall be left for him or them, of the Damage charged upon them, that if any ſhall not approve thereof, he or they may repair to the Select-men, or ſome of them, who ſhall in ſuch Caſe nominate and appoint two able and indifferent Men to review and adjudge the ſaid Harms; which being forthwith diſcharged and paid, together with the Charge of Notice, former and latter View and Determination of Damages, the firſt Judgment to be void, if not to ſtand in Law. Horſes, &c. treſpaſſing in corn-fields, fenced, &c. How to proceed, &c.

And that when Damage is done to any Perſon or Perſons, if it appear to be done or happen by the meer Default of him or them to whom the Damage is done, it ſhall be judged no Treſpaſs, and no Damage ſhall be given. Treſpaſſes done by mere default, no damages, &c. to the faulty party, &c.

*And be it further enacted by the Authority aforeſaid*, That when in any Action of Treſpaſs brought before an Aſſiſtant or Juſtice of the Peace, the Defendant ſhall juſtify upon a Plea of Title, a Record ſhall be made thereof, and the Matter of Fact ſhall be taken *pro Confeſſo*, and the Party making ſuch Plea ſhall become bound with one or more Sureties, by way of Recognizance, unto the adverſe Party, in a reaſonable Sum, not exceeding *Twenty Pounds*, on Condition that he ſhall purſue his Plea, and bring forward a Writ for a Trial of his Title at the next Inferior Court of Common Pleas to be holden for the County in which ſuch Treſpaſs is alledged to be done; and pay and ſatisfy all Damages and Coſts, as by the Court ſhall be awarded againſt him; which Recognizance the ſaid Aſſiſtant or Juſtice is hereby empowered to require and take, and ſhall be paid for the ſame by the Recognizer and for recording the Plea, his legal Fees; and alſo at the Charge of In action of treſpaſs before juſtice, &c. if the defendant ſhall ſet up title he ſhall give bond, &c. and the cauſe referred to the next county court, &c.

the

the ſame Party ſhall certify the Proceſs and Record of ſuch Plea, toge-her with the Recognizance, unto the ſaid next Court; and if ſuch Recogniz-r ſhall neglect to bring forward ſuch Suit at the ſaid Court, according to the Tenor of his Recognizance, the Default ſhall be recorded, and a Writ of *Scire Facias* be iſſued out of the Clerk's Office of the ſame Court, for the Recovery of the Sum or Penalty in the Recognizance mentioned, of him, his Surety or Sureties.

If defendant fails, to pay treble damages, &c.

Or if upon Trial before the ſaid Court he ſhall not make out a Title to the Land or Tenement on which the Treſpaſs is laid to be done, paramount to the Poſſeſſion, or other Title of the adverſe Party, Judgment ſhall be rendered for the Party treſpaſſed upon for treble Damages, and Coſt of Suit.

Defendant failing to give bond juſtice may proceed on the merits.

But if the Defendant in Treſpaſs, juſtifying on Plea of Title, ſhall refuſe or neglect to become bound in Manner as aforeſaid, then his Plea ſhall abate; and the Juſtice notwithſtanding the ſame, ſhall proceed to try the Cauſe, and upon due Proof of the Treſpaſs committed by him, ſhall award Damages againſt him according to what ſhall be made out, and Coſt of Suit.

Preamble.

*Whereas large Quantities of Logs and other Timber, Shingles and Staves are floated down* Connecticut-*River, and in a ſecret Manner are taken up and clan-deſtinely diſpoſed of, ſo that it's very difficult in the common Courſe of the Law to prove the ſame; ſo that great Loſs and Damage thereby happens to the Owners thereof:* Which to prevent;

*Be it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That when any Perſon or Perſons ſhall take up any Logs, Timber, Shingles or Staves, floating or floated down the ſaid River, the Logs and Timber being fairly marked, and the Shingles and Staves bundled up, he ſhall ſeize, bind, or well ſecure the ſame; and that within one Week next after his or their taking up, ſtopping and ſeizing the ſame, enter the ſame with the Kind, Bigneſs, Length and Marks of the Logs and Timber, the Number of Bundles, and the Kind of Shingles and Staves, and by whom taken up, and the Places where they lie, with ſuch Clerk or Clerks where Strays and loſt Goods are by Law to be entered, and ſhall let ſuch Logs, Timber, Shingles and Staves lie, without diſpoſing thereof, or any Ways defacing the Marks thereon, full ſix Months after the firſt entering the ſame; on Penalty of forfeiting and paying to the Owner or Owners of ſuch Logs, Timber, Shingles or Staves, viz. the Sum of *Ten Shillings* for every Log or other Stick of Timber not exceeding thirty Feet in Length, and double the Value of ſuch Shingles or Staves; and *Ten Pounds* for every Log or other Stick of Timber which exceeds thirty Feet in Length. And every Perſon or Perſons taking up, ſafe ſecuring, and entering any Logs, Timber, Shingles or Staves, ſhall be entitled to a Fee of *One Shilling* and *Two-pence*, for taking, ſeizing and entering any Log or Stick of Timber not exceeding thirty Feet in Length, and the ſame Sum for every Bundle of Shingles or Staves; *Three-pence* whereof ſhall be allowed and paid to the Clerk for entering the ſame; and *Four Shillings* and *Two-pence* for every Log or Stick of Timber which exceeds that Length, *Three-pence* whereof to be paid to the Clerk, as aforeſaid.

Logs, &c. taken up on Connecticut-river to be ſecured, &c.

Penalty for ſelling logs, &c. found floating, in leſs than ſix months.

Penalties.

Reward for ſecuring drifts.

And that no Owner or Owners of ſuch Logs, Timber, Shingles or Staves ſhall take away any ſuch Logs, Timber, Shingles or Staves, taken up, ſecured and entered as aforeſaid, until he has paid the Fees aforeſaid, on Penalty of forfeiting and paying to him or them that took up, ſecured and entered the ſame, as aforeſaid, the Sum of *Ten Shilliugs* for each Log or Stick not exceeding thirty Feet in Length, and the Value of the Shingles and Staves ſo taken up, ſecured and entered, as aforeſaid, and *Five Pounds* for each Log or Stick of Timber above thirty Foot long.

Forfeiture for taking them away when ſecured.

If no owner appear within 6 months, to be ſold, &c.

And if no Owner appear to challenge, and make out his Claim thereto within ſix Months next after the Entry thereof, it ſhall and may be lawful for

for him or them that took up, ſecured and entered the ſame to diſpoſe thereof to his or their own Uſe, without being accountable to the Owners thereof.

And when any Diſpute ſhall ariſe in any Action brought on this Act, it ſhall and may be lawful for the Court, Aſſiſtant, or Juſtice of the Peace before whom the Trial may be, to proceed to examine the Parties under Oath, and all other Evidence produced; and to make up ſuch Judgment therein as to them ſhall appear equitable and juſt.

Diſpute how to be adjuſted.

*And whereas there might be conſiderable Profit ariſe by floating of Timber down that Rivolet called* Windſor-*River, were there proper Proviſion made for detecting and puniſhing ſuch as privately take up and diſpoſe of ſaid Logs, &c. floating down ſaid River:* Wherefore,

*Be it enacted by the Authority aforeſaid,* That whoſoever ſhall ſtop or take up any Saw-mill Logs or other Timber floating down ſaid River being fairly marked, without the ſpecial Direction or Order of the Owner or Owners of ſuch Logs or Timber, before ſuch Logs or Timber have paſſed by the Bridge, ſet a-croſs ſaid River, in the firſt Society in *Windſor*, ſhall for every Log or Stick of Timber thus ſtopped, pay to the Owner or Owners of ſaid Logs, &c. the Sum of *Ten Shillings*.

Penalty for ſtopping logs, &c. floating down Windſor ferry river, &c.

*And it is further enacted by the Authority aforeſaid,* That whoſoever ſhall deface the Marks made on ſaid Logs or Timber, or any Way diſpoſe of, or fell the ſame, ſhall forfeit and pay to the Owner or Owners thereof, for each Offence, the Sum of *Ten Shillings*, and double the Value of ſaid Logs or Timber thus diſpoſed of, or whoſe Marks ſhall be purpoſely defaced. And when any Diſpute ſhall ariſe, in any Action brought on this Act, it ſhall and may be lawful for the Court, Aſſiſtant, or Juſtice of the Peace before whom the Trial may be, to proceed to examine the Parties under Oath, and all the Evidence produced, and to make up ſuch Judgment therein, as to them ſhall appear juſt and equitable.

Penalty for defacing marks on logs, &c.

*And in order to compenſate for the Damage being done to the Proprietors and Owners of the Lands and Meadows adjoining ſaid* Windſor-*River, by Reaſon the Logs, &c. being carried thereon by the Floods:*

*Be it further enacted by the Authority aforeſaid,* That when Saw-mill Logs, Timber, Staves or Shingles, floating down ſaid *Windſor*-River, ſhall be carried on to, and lodge on the Meadows or improved Lands of any particular Perſon, it ſhall be the Duty of the Owners or Poſſeſſors of ſuch Lands or Meadows whereon ſuch Logs, Timber, Staves or Shingles are lodged, to enter an Account of the ſame on the Records of the Town-Clerk of the Town where ſuch Lands lie, within thirty Days next after ſuch Logs, Timber, Staves or Shingles ſhall be found lodged, as aforeſaid, with the particular Marks thereof and length of the Timber or Logs, and the Place where the ſame are lodged, as aforeſaid; and the Owner of ſuch Timber, Logs, &c. ſhall (on proving his Property therein) have Liberty to carry off his Timber, Logs, &c. lodged as aforeſaid, on paying the Owners or Poſſeſſors of ſuch Lands his or their reaſonable Damages ſuſtained by ſaid Timber, &c. remaining on, and in carrying the ſame off ſaid Lands; to be aſſeſſed by the next Aſſiſtant, or Juſtice of the Peace, in Caſe the Parties do not agree; and alſo *Six-pence* for entering the ſame on Record as aforeſaid.

Lumber floating down ſaid river how diſpoſed of.

*Be it further Enacted,* That if no Perſon appears to claim and carry off ſaid Logs, Timber, Staves, or Shingles within nine Months after the Record thereof made as aforeſaid, the Owner of ſuch Lands whereon the ſame are lodged as aforeſaid, may appropriate the ſame to his own Uſe; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

No owner appearing in 9 months after record, may be appropriated, &c.

*Be it further Enacted,* That if any Perſon or Perſons ſhall, without Liberty had of the Owners or Poſſeſſors of the Lands or Meadows whereon ſuch Timber, Logs, Staves or Shingles are lodged, and the Marks recorded as

Perſons removing timber, &c. without leave, to forfeit the value.

aforeſaid, attempt to remove the ſame; or without firſt paying reaſonable Damages, and ſaid Sum for recording as aforeſaid; ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay to the Owner or Poſſeſſor of ſuch Lands or Meadows, the Value of ſuch Timber, Logs, Staves or Shingles ſo attempted to be removed; to be recovered by Bill, Plaint or Information.

## An Act for preventing and puniſhing vexatious Law-Suits.

*BE it enacted by the Governor, Council, and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That whenſoever any Plaintiff ſhall wittingly and willingly wrong any Defendant, by commencing and proſecuting any Action, Suit, Complaint or Indictment in his own Name, or in the Name of others, with Intent unjuſtly to vex and trouble ſuch Defendant, ſuch Plaintiff being legally convicted thereof, ſhall pay treble Damages to the Party grieved, and be fined the Sum of *Forty Shillings*, to the Treaſurer of the County.

Penalty 40s. for vexatious ſuits, and to pay treble damages.

Third offence how puniſhed.

And for the third Offence in that Kind, he ſhall be judged and proceeded againſt as a Common Barrator.

## An Act for the more effectual putting in Execution the Laws againſt Vice, Immorality and Profaneneſs, and for promoting Chriſtian Knowledge.

Preamble.

*WHEREAS putting in Execution the good and wholeſome Laws, made for reſtraining, puniſhing and ſuppreſſing profane, immoral and irreligious Practices in this State, and promoting Chriſtian Knowledge, will greatly tend to the honor of Religion, the Peace and good Order of human Society, and to ſuppreſs Vice and Wickedneſs:*

Therefore, that the ſame may be more generally and effectually done;

Duty of the civil authority herein.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all Judges and Juſtices of the Peace in the reſpective Counties in this State, be, and they are hereby required to be diligent and careful in putting in Execution all ſuch Laws and Acts as are or ſhall be made in this State, for the puniſhing, reſtraining or ſuppreſſing any Profaneneſs, Immorality, or irreligious Practices or Diſorders, that thereby the good Ends propoſed in ſuch Acts and Laws may be attained.

Of the ſelect-men.

That the Select-men from Time to Time, ſhall make diligent Enquiry of all Houſholders within their reſpective Towns, how they are furniſhed with Bibles; and if upon ſuch Enquiry any Houſholder be found without one Bible at leaſt, then the Select-men ſhall warn the ſaid Houſholder forthwith to procure one Bible at leaſt, for the Uſe and Benefit of their Family reſpectively: And if the ſame be neglected, then the ſaid Select-men ſhall make Return thereof to the next Authority, who may deal with ſuch Houſholder's Family according to the directions of the Law relating to the educating and governing of Children.

Houſholders to have bibles in their families;

for neglect, how dealt with, &c.

And all ſuch Families as are numerous, and whoſe Circumſtances will allow thereof, ſhall be ſupplied with Bibles according to the Number of Perſons of Capacity to uſe the ſame in ſuch Families; and with a ſuitable Number of Orthodox Catechiſms, and other good Books of practical Godlineſs, and the like.

And with catechiſms, &c.

Conſtables, &c. to make Preſentment, &c.

That the Conſtables, Grand-jury-men and Tithing-men in the reſpective Towns in this State, ſhall, and they are hereby required to make diligent Search after, and Preſentment make of all the Breaches of the Laws which relate to their Office or Offices reſpectively.

And the Conſtables and Grand-jury-men in the reſpective Towns ſhall, on the Evenings after the Lord's-Day, and other public Days of religious Solemnity, walk the Street, and duly ſearch all Places ſuſpected for harbouring or entertaining any People or Perſons aſſembled contrary to Law.

Conſtables & grand-jury-men.

*Be it further enacted by the Authority aforeſaid*, That the Juſtices of the Peace, Grand-jurors, Conſtables and Tithing-men in the reſpective Towns in this State, ſhall annually meet in the reſpective Towns to which they belong, on the firſt Monday of *January*, and on the third Monday in *June*, at the Place where their annual Town-Meetings are held, or at ſome other Place by them appointed, there to adviſe, conſider, and uſe their joint Intereſt in ſuppreſſing Profaneneſs, Vice, and Immorality; and for the due Execution of all the Laws of this State, to which their reſpective Offices have Relation.

Civil authority, &c. to meet annually on the firſt Monday of January, and third Monday of April, to adviſe, &c.

*And be it further enacted by the Authority aforeſaid*, That the Town-Clerk of each reſpective Town in this State, at the opening of the public Town-Meeting for electing Town-Officers in *December* annually, if preſent, and in his Abſence the Select-men for the Time being, who ſhall be preſent, ſhall read, or cauſe to be read this Act, and every Paragraph thereof publicly in this Meeting.

This act to be read annually in town-meeting in December.

And if ſuch Clerk, being preſent, or ſuch Select-men preſent in the Clerk's Abſence, ſhall neglect or refuſe publicly to read, or cauſe to be read this Act; then the ſaid Clerk or Select-men in refuſing or neglecting, ſhall forfeit and pay the Sum of *Twenty Shillings*; one Half to the Complainer, who ſhall proſecute to Effect, and the other Half to the Town-Treaſury.

And the Conſtables and Grand-jury-men are directed to inquire after, and due Preſentment make of all Breaches of this Act, to ſome Aſſiſtant or Juſtice of the Peace; who are hereby impowered to hear and determine the ſame.

Conſtables & grand-jury to make preſentment.

## An Act for enabling the United States of *America*, to commence and proſecute Actions or Suits in any of the Courts in this State, for the recovery of their common Rights and Intereſts.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That it ſhall and may be lawful for the United States of *America*, to ſue, commence, and proſecute any Suits or Actions for the recovery of any Debts due to them, or any Eſtate or Property to them belonging; or for the recovery of Damages for any Frauds or Treſpaſſes againſt them, and to appear by their Agents or Attornies that ſhall be appointed by Congreſs, or by Authority derived from them; and all ſuch Suits or Actions purſue to final Judgment and Execution.

The united ſtates impowered to recover their debts.

*And be it further enacted by the Authority aforeſaid*, That it ſhall be the Duty of the State Attornies, and other Informing Officers in this State, to make Preſentment of all Frauds and other Crimes committed againſt the United States, within their reſpective Precincts, which ſhall be proſecuted and puniſhed in the ſame Manner as if committed againſt this State.

Informing officers to make preſentment of frauds.

*And be it further Enacted*, That every Commiſſioner or Auditor, appointed by the United States in Congreſs aſſembled, or under their Authority, to ſettle any of the public Accounts, ſhall have full Power to call Witneſſes before them in this State, and examine them under Oath or Affirmation, touching any ſuch Accounts as are reſpectively aſſigned to them for Settlement; and if any Perſon duly ſummoned, ſhall neglect to appear and be examined as aforeſaid, he ſhall be liable to the ſame Pains and Penalties for neglecting to appear before any Court in this State.

Auditors impowered to examine witneſſes under oath.

## An Act for reſtraining the taking exceſſive Uſury.

Six per cent. lawful intereſt for monies loaned.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That no Perſon or Perſons whatſoever, upon any Contract made, ſhall take, directly or indirectly for loan of any Monies, Wares, Merchandizes, or other Commodities whatſoever, above the Value of Six Pounds, for the Forbearance of One Hundred Pounds, for a Year; and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time.

All bonds &c. forfeited when more is taken.

And that all Bonds, Contracts, Mortgages and Aſſurances whatſoever, made for the Payment of any Principal, or Money lent, or covenanted to be lent upon, or for Uſury, whereupon or whereby there ſhall be reſerved or taken above the Rate of Six Pounds in the Hundred, as aforeſaid, ſhall be utterly void.

Penalty for taking unlawful intereſt, forfeiture of the value, &c.

And all and every Perſon and Perſons whatſoever, who ſhall take, accept, and receive by way or means of any corrupt Bargain, Loan, Exchange, or by covine, or deceitful Conveyance, or by any other Way or Means whatſoever, for the Forbearance, or giving Day of Payment for one whole Year, of and for their Money, or other Thing or Things above the Sum of Six Pounds for the Forbearance of One Hundred Pounds for a Year; and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time, ſhall forfeit and loſe for every ſuch Offence, the full Value of the Goods and Monies or other Thing ſo lent, exchanged, bargained, ſold or agreed for; one Moiety thereof to the public Treaſury of this State, the other Moiety to the Informer who ſhall ſue for and proſecute the ſame to Effect.

*And whereas many Perſons, not contenting themſelves with juſt and reaſonable Gains, or Intereſt for Goods ſold or Money lent, do uſe many ſubtil and clandeſtine Methods to oppreſs their poor Debtors, by inducing and compelling them to give great and unlawful Sums for Forbearance; and to effect the ſame, take Advantage of the Diſtreſs and Poverty of thier Debtors to induce them to conceal from Witneſſes the real Conſideration of the Securities given.*

For preventing of which,

*Be it enacted by the Authority aforeſaid,* That the Grand-Jurors in their reſpective Precincts, ſhall make Enquiry after all Perſons that are of evil Name and Fame for oppreſſing their poor Debtors or Borrowers, or of taking exceſſive Intereſt for Forbearance, and ſhall preſent ſuch Perſon or Perſons to the next Aſſiſtant or Juſtice of the Peace, as being guilty of ſaid Crimes; and if thereupon ſuch Perſon or Perſons ſhall not ſatisfy the Authority before whom he or they are brought to be examined, that he or they are not guilty, ſuch Authority may bind over ſuch Perſon or Perſons, with two good Sureties, in a Recognizance, not exceeding the Sum of *One Hundred Pounds* lawful Money, to appear at the next County Court in the County where he or they dwell, to anſwer to ſaid Preſentment, and abide the Judgment of the Court thereon.

Grand-jurors to enquire and preſent.

Refuſing to give bond, to be committed, &c.

And if ſuch Perſon or Perſons refuſe to become bound as aforeſaid, the ſaid Authority ſhall commit him or them to the common Goal in ſaid County, there to remain till he or they conform themſelves and become bound as aforeſaid.

One witneſs ſufficient.

And if upon Trial before the Court, one credible Witneſs ſhall come and depoſe againſt ſuch Perſon or Perſons, that he or they have taken exceſſive Intereſt or Security therefor, or otherwiſe have oppreſſed their poor Debtors or Borrowers, ſetting forth the Fact before the Court, it ſhall be lawful for the Court to bind ſuch Perſon or Perſons, with Sureties, in a Recognizance not exceeding the Sum of One Hundred Pounds lawful Money, to keep their good Behaviour; and that he or they ſhall offend no more in the like Kind, for ſuch Time as the Court ſhall judge meet.

And if ſuch Perſon or Perſons ſhall offend again in like manner, while

or they are under ſuch Recognizance, to be proved againſt him or them by one credible Witneſs, ſuch Perſons ſhall be adjudged to have forfeited their Recognizance; unleſs ſuch Perſons ſhall be acquitted by a Jury of twelve lawful Men of the Neighbourhood, declaring upon their Oaths, that they believe he or they are not guilty: Which Jury he or they, at his or their Requeſt, and at his or their own Charge, may have the Liberty of.

For ſecond offence bond forfeited.

And in Caſe Judgment ſhall be given againſt ſuch Perſon or Perſons, the Court may at Diſcretion chancer down the Recognizance, more or leſs according to the Aggravation of the Offence.

Court may chancer down the bond.

*And be it further Enacted*, That in any Action brought on any Bond, Bill, Mortgage, or other Inſtrument whatſoever, it ſhall be lawful for the Defendant in ſuch Action, to inform the Court before which ſaid Action is brought, by filing his Complaint with the Clerk of ſuch Court, on the ſecond Day of the Court's ſitting, that the Mortgage, Bond, or other Inſtrument on which the Action is brought, is uſurious and oppreſſive, and was given for no juſt or reaſonable Conſideration; and then in ſuch Caſe the Court is directed and impowered to proceed in ſearching out the Truth of ſuch Complaint, as a Court of Chancery or Equity, by examining the Parties upon Oath, or in any other Way proper to a Court of Equity: And if the Plaintiff ſhall refuſe to be examined upon Oath, his Action ſhall be Nonſuit, and the Court ſhall give Judgment for the Defendant to recover his Coſt.

Bill in equity may be filed ſecond day of the courts ſitting.

Parties to be examined on oath.

And if upon Trial the Court ſhall find ſuch Mortgage, Bond or Note, &c. to be uſurious or oppreſſive, and for which the Defendant had no reaſonable Conſideration, they ſhall adjuſt the ſame in Equity, and give Judgment that the Plaintiff recover no more than the juſt Value of the Goods ſold, &c. or than the principal Sum which the Defendant received of the Plaintiff, without Intereſt, or any Advance thereupon.

And if the ſecurity is found uſurious to be chancered down in equity to the principal without intereſt.

*And be it further enacted by the Authority aforeſaid*, That if the Defendant in any Action founded on Contract, depending before an Aſſiſtant or Juſtice of the Peace, ſhall file his Bill complaining that ſaid Contract is Uſurious, ſuch Aſſiſtant or Juſtice ſhall enquire into, and adjuſt the ſame in Equity, and render Judgment therein according to the Rules and Directions in this Act preſcribed for other Courts.

The proviſions of this act extended to caſes before an aſſiſtant or juſtices court.

*Always provided*, That nothing in this Act be conſtrued to prevent any Perſons from proceeding upon full Evidence in the common Courſe of Law againſt exceſſive Uſury, and uſurious Contracts, either in Defending or Recovering thereon, as in the firſt Paragraph of this Act is provided.

Proviſo.

## An Act for due Regulation of Weights and Meaſures.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That the Treaſurer of each County within this State, ſhall at the proper Coſt and Charge of the ſaid County, provide, as there ſhall be Occaſion, and continually keep and preſerve in good Order, good and ſufficient Weights and Meaſures as Standards for the ſaid Counties: The Half Buſhel to be Braſs or Copper; which Weights and Meaſures ſhall be tried and ſealed by the State Standards of Weights and Meaſures, and ſhall be kept in the reſpective County Towns for the Uſe of the County, upon whoſe Coſt they were procured.

Each county to have ſtandards.

To be provided by the treaſurer.

And if any or either of the County Treaſurers ſhall not procure and keep the Weights and Meaſures as aboveſaid, and have the ſame tried and ſealed aforeſaid, he ſhall pay a Fine of *Five Pounds*; one Moiety whereof ſhall be to the Conſtable of the County Town that ſhall complain, and the Remainder to the County Treaſury.

Penalty for neglect.

And the Conſtables in the County Towns ſhall enquire whether the ſaid Weights and Meaſures be provided and ſealed as aboveſaid; and upon Default

fault of any or either of the ſaid Treaſurers, the ſaid Conſtables ſhall preſent them to the next Superior Court in that County, who ſhall cauſe the ſaid Fine to be levied upon the Treaſurer ſo neglecting; unleſs he ſhall ſatisfy the ſaid Court that there are Weights and Meaſures provided and ſealed as aboveſaid, within the County Town for the Uſe of the County in which he ſerveth as Treaſurer.

Conſtables to make enquiry.

That the Select-men in every Town within this State, ſhall provide, as there ſhall be Occaſion, at the Charge and Coſt of ſaid Towns, good Weights and Meaſures, to be preſerved and kept in good Order, as Standards for ſaid Towns; which Weights and Meaſures ſhall be tried and ſealed by the County Standards.

Select-men to provide weights and meaſures.

And the Conſtables in every Town ſhall make Enquiry into all Breaches of this Act; and if upon Enquiry, the ſaid Conſtables ſhall find the Select-men have not procured Weights and Meaſures as aboveſaid, that then the Conſtable or Conſtables ſhall make Complaint thereof to the next Aſſiſtant or Juſtice of the Peace: Upon which Complaint the ſaid Aſſiſtant or Juſtice ſhall ſummon before him the Select-men ſo neglecting, and if they ſhall not ſatisfy ſaid Authority that they have provided Weights and Meaſures as aforeſaid, and that they then have the ſame in ſuch Town, the ſaid Authority ſhall impoſe a Fine of *Forty Shillings* on ſuch Select-men; one Half to the Conſtable complaining, and the other Half to the Town Treaſury: To be levied by diſtreſs and ſale of their Goods according to Law.

Conſtables to make preſentment of all breaches of this act.

And all Weights and Meaſures improved or uſed by any particular Perſons in any Town, ſhall be tried by the Town Standards where they dwell: And whoſoever ſhall make Uſe of any Weights or Meaſures that are not proved and tried by the Standards in their reſpective Towns, ſhall forfeit the Sum of *Five Shillings* for every ſuch Offence committed; to the Uſe of the Treaſury of ſuch Town.

Weights, &c. of particular perſons to be tried.

That the Inhabitants of each Town in this State, ſhall chooſe one of their able and diſcreet Inhabitants, to be a Sealer of Weights, and one to be a Sealer of Meaſures for their Town; who ſhall take the Oath appointed for ſuch Officers: And no Weight or Meaſure ſhall be accounted good and legal that is not ſealed and approved by ſaid Sealers.

Sealers to be choſen and ſworn.

That the Sealers of Weights and Meaſures in the reſpective Towns ſhall, once in every Year, ſeal the ſeveral Weights and Meaſures that are uſed in their Town.

Weights, &c. to be ſealed once a year.

And all ſuch Weights and Meaſures as cannot be brought to be equal with the juſt Standard, the ſaid Sealer ſhall deface or deſtroy.

Falſe weights &c. to be deſtroyed.

And that it is and ſhall be in the Power of every Sealer aforeſaid, from Time in the Month of *April* yearly, to appoint a Time and Place where he will try the Weights and Meaſures; and to give public Notice thereof to the Inhabitants of their reſpective Towns, to bring their Weights and Meaſures to be tried: And whoſoever ſhall neglect to bring his Weights and Meaſures to be tried at the Time prefixed by the Sealer, being thereunto warned, he ſhall forfeit the Sum of *Three Shillings*; one Half to the Sealer, and the other Half to the Town Treaſury; which the Sealer ſhall have Power to recover from Time to Time.

All weights, &c. to be brouhgt to the ſealers in April annually.

And every Sealer that ſhall neglect his Duty required in, and by this Act, ſhall forfeit the Sum of *Thirty Shillings* for every ſuch Default to the County Treaſury.

Penalty on ſealers for neglect.

*Provided nevertheleſs*, That nothing in the foregoing Act ſhall be conſtrued or underſtood to interfere with any Regulation that ſhall or may be made, relative to fixing the Standard of Weights and Meaſures, by the Congreſs of the United States, agreeable to the Powers veſted in them by the ninth Article of Confederation.

Proviſo.

## An Act relating to Witneſſes, and taking Affidavits out of Court.

*FORASMUCH as it is neceſſary that Witneſſes in Civil Cauſes be ſworn out of Court, when by Reaſon of their going to Sea, living more than twenty Miles diſtant from the Place where the Cauſe is to be tried, Age, Sickneſs, or bodily Infirmity, they are rendered incapable of Travel, and of appearing at Court.* Preamble.

To the Intent therefore, that all Witneſſes may impartially and indifferently teſtify their certain Knowledge, and the whole Truth in the Cauſe they are to ſpeak unto;

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That for either of the Reaſons aforeſaid, and not otherwiſe, every Aſſiſtant or Juſtice of the Peace may take Affidavits out of Court; ſo as a Notification, with reaſonable Time, be firſt made out and delivered to the adverſe Party (if within twenty Miles of the Place) or left at the Place of his Dwelling, or uſual Abode, to be preſent at the Time of taking ſuch Affidavit, if he think fit. Affidavits when to be taken out of court.

And every ſuch Witneſs ſhall be carefully examined, and cautioned to teſtify the whole Truth; and being ſworn, the Aſſiſtant or Juſtice ſhall atteſt the ſame, with the Day, Month, and Year of the taking thereof; and that the adverſe Party was preſent, (if ſo) or that a Notification was ſent him, and ſhall ſeal up the Teſtimony and deliver it to the Party, (if deſired) at whoſe Requeſt it was taken. Witneſſes to be cautioned.

And no Perſon intereſted, ſhall write or draw up the Teſtimony of any Witneſs in ſuch Cauſe, nor any Attorney in his Client's Cauſe: And if it manifeſtly appear any Teſtimony to be written or drawn up by any intereſted, or the Attorney in the Cauſe, or be returned from any Aſſiſtant or Juſtice of the Peace, by other Hand than his own, into the Court where the ſame is to be uſed, unſealed; or the Seal having been broke up: All ſuch Teſtimonies ſhall be rejected by the Court, and be utterly void, and of none Effect in Law. Affidavits not to be drawn by perſons intereſted.

That every Aſſiſtant and Juſtice of the Peace ſhall be, and is hereby impowered, upon Requeſt to him made, to grant Summons for the Appearance of any Witneſs before him in any civil Cauſe, where ſuch Witneſs is bound to Sea, or travelling out of the State, before the Time of Trial; and take his Depoſition in ſuch Cauſe, the adverſe Party being preſent, or Notification ſent him, as aforeſaid. Witneſſes bound out of the ſtate, their depoſitions to be taken, &c.

*Provided nevertheleſs,* That Witneſſes to Bonds, Specialties, Letters of Attorney, and other Inſtruments in Writing under the Hand of the Party executing the ſame; or to Accounts or Teſtimonies relating to Perſons out of this State, or to be ſent beyond Sea, may be ſworn without ſuch Notification, as aforeſaid. Proviſo.

That if any Perſon or Perſons, upon whom any lawful Proceſs or Summons ſhall be ſerved to teſtify, depoſe or give Evidence concerning any Cauſe or Matter depending in any Court in this State, and having tendered him or them ſuch reaſonable Sum or Sums of Money, for his or their Coſts and Charges, as having Reſpect to the Diſtance of the Places is neceſſary to be allowed, as the Law requires in that behalf, do not appear according to the Tenor of the Proceſs or Summons, having no lawful or reaſonable Lett or Impediment to the contrary; that then the Party ſo making Default, ſhall for every ſuch Offence, looſe and forfeit *Thirty Shillings*, and ſhall yield ſuch further Recompence to the Party aggrieved, according to the Loſs and Hindrance that he ſhall ſuſtain by Reaſon of the Non-appearance of the ſaid Witneſs or Witneſſes: The ſaid ſeveral Sums to be recovered by the Party ſo grieved, againſt the Offender or Offenders, by Action, Bill, Plaint or Information in any Court of Record. Penalty.

*Be*

No perſon to be put to death, except &c.

*Be it further enacted by the Authority aforeſaid*, That no Perſon for any Fact committed, ſhall be put to Death but by the Teſtimony of two or three Witneſſes, or that which is equivalent.

Witneſſes to wills may be ſworn before an aſſiſtant or juſtice of the peace, &c.

That all Executors of Wills within this State, ſhall have Liberty to have the Witneſſes to ſuch Wills, examined and ſworn in the uſual Form, before the next Aſſiſtant or Juſtice of the Peace: Which Aſſiſtant or Juſtice ſhall enter the Oaths of the Witneſſes on the Back-ſide of the Will, and atteſt the ſame: And the Oaths of the Witneſſes ſo taken, ſhall be accepted by the Court of Probate, as if they had been taken before the ſaid Court.

## An Act concerning Wrecks of Sea.

Veſſels ſhipwrecked to be relieved, &c.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame*, That if any Ships or other Veſſels ſhall ſuffer Ship-wreck upon our Coaſts, there ſhall be no Violence or Wrong offered to their Perſons or Goods; but their Perſons ſhall be harboured and relieved, and their Goods preſerved in Safety, till Authority may be certified thereof, and ſhall take further Care, and give further Order therein.

Upon diſcovery of a wreck on the coaſt, duty of the ſelect-men to take effectual meaſures for ſaving, &c.

That ſo often as any ſhip-wrecked Property ſhall be diſcovered on the Sea-coaſt of this State, it ſhall be the Duty of the Select-men of the neareſt Town thereto, and it ſhall be lawful for any other Perſon to take the moſt effectual Meaſures for ſaving and ſecuring the ſame; and if need be, ſuch Perſon or Perſons ſhall apply to an Aſſiſtant or Juſtice of the Peace, who is hereby authorized to grant a Warrant, directed to a proper Officer, to impreſs and call forth requiſite Aſſiſtance for that Purpoſe: And that the Perſon or Perſons ſecuring ſuch Property, ſhall immediately give Notice thereof to the Judge of the County Court in the County where the ſame ſhall be ſecured; who ſhall direct the Sheriff of ſaid County to ſeize the ſaid Property, and the ſame keep and hold until it ſhall be releaſed or diſpoſed of by order of ſaid Court. That if any Owner of ſuch Property, being a Perſon intitled by the Laws of the Land, or the Laws of Nations, to a Reſtoration thereof, ſhall within a Year and a Day after ſuch Seizure, appear and claim the ſame, it ſhall be reſtored to him, on his paying ſuch reaſonable Coſts and Salvage, for the Perſons to whom due, as the ſaid Court ſhall order and allow. And in Caſe no ſuch Owner ſhall within that Time appear, and claim ſaid Property and pay Coſts and Salvage aſcertained as aforeſaid, the ſame ſhall be ſold by order of ſaid Court, and the avails thereof (firſt deducting reaſonable Coſts and Salvage for the Perſons to whom due) ſhall be lodged in the Treaſury of this State.

Notice thereof to the judge of the county court, &c.

Sheriff to ſeize, &c.

The property to be reſtored to the Owner if he appears within a year and a day and pay coſt and ſalvage, if not the net avails to be lodged in the ſtate treaſury.

Proviſo.

*Always provided*, That if the Property ſo ſeized, be of a periſhable Nature, the Court having the ordering of the ſame, may, at their Diſcretion, direct it to be ſold within the Time limited as aforeſaid, retaining the Avails thereof for the ſame Purpoſes as the ſaid Property was holden.

Proviſo.

*Provided alſo*, That in every Caſe where no Owner ſhall appear within one Month after ſuch Seizure, to pay Salvage and Coſts, the Court having the ordering of ſuch Property, may, at any Time afterwards, order ſo much thereof to be ſold as ſhall be ſufficient to pay the Salvage and Coſts.

# An Act made and paſſed by the General Aſſembly of the State of *Connecticut*, held at *New-Haven* by Adjournment, on the eighth Day of *January*, *Anno Domini*, *One Thouſand ſeven Hundred and Eighty-four*, for confirming the Laws of this State, as reviſed and amended; and for repealing ſuch as are not contained in the foregoing Code.

Preamble.

*WHEREAS all the Statute Laws of this State have been lately reviſed and digeſted under proper Titles in alphabetical Order, with ſeveral Additions, Alterations, and Amendments, and the Whole carefully examined and conſidered by this Aſſembly.*

Reviſal confirmed.

*BE it enacted by the Governor, Council and Repreſentatives, in General Court aſſembled, and by the Authority of the ſame,* That all the foregoing Acts are, and they are hereby enacted and confirmed as the Laws of this State.

Regulating clauſe.

And that all other Statute Laws of this State heretofore made and publiſhed, which are not contained in the foregoing Code, be, and they are hereby repealed.

Proviſo.

*Provided nevertheleſs,* That all Matters commenced by Virtue of any of the Laws hereby repealed, now depending or unfiniſhed, may be proſecuted and purſued to final effect, in the ſame Manner as they might have been if this Act had not been made.

Proviſo.

*Provided alſo,* That ſuch of the foregoing Laws as remain for Subſtance the ſame as before the Reviſal, ſhall be conſidered as having continued in Force from the Time that they were firſt enacted, any circumſtantial Amendments or Alterations notwithſtanding.

An Act made and passed by the General Assembly of the State of Connecticut, held at New-Haven by Adjournment, on the eighth Day of January, Anno Domini, One Thousand seven hundred and Eighty-four, for repealing such and so much of the Laws of this State, as relate to the Solemnization of Marriages, and for regulating the Solemnization of Marriages hereafter.

Preamble.

Whereas doubts have arisen, whether the Laws of this State respecting the Solemnization of Marriages are repealed or continued by the Act entitled "An Act for establishing Courts of Probate, and for regulating the Settlement of Estates, and for other Purposes therein mentioned," passed at the last October Session of the General Assembly; and whether the Laws of this State, which were in force before the passing of the said Act, shall be considered as repealed by the said Act, or as remaining in force, notwithstanding the Provisions of the said Act: And for obviating such Doubts for the future,

Laws repealed.

Be it enacted by the Governor, Council and Representatives, in General Court convened, and by the Authority of the same, That all the Laws of this State, which were in force before the passing of the said Act, and which are not continued in the following Code, be, and they are hereby repealed.

Laws continued.

And be it further enacted by the Authority aforesaid, That all the Laws of this State, which are not repealed, or continued, as the Laws of this State, by the said Act, shall be considered as repealed, in the same Manner as they would have been, if the said Act had not been made.

Preamble.

And whereas it is necessary, that the Laws of this State, which are not repealed, should be continued, in the following Code: